

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARC ANTHONY BRUNO,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
Respondent)

Appeal No. **23-036**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 21, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 4, 2023 to Paul Boschetti, of a building permit (administrative permit to document "house-keeping" unit; correct record to show existing housekeeping unit as legal; comply with Notice of Violation under separate permit (202200496); no work to be performed under this permit) at 472-474-476 Union Street and 15 Nobles Alley.

APPLICATION NO. 2023/07/18/2373

FOR HEARING ON September 27, 2023

Address of Appellant(s):

Address of Other Parties:

Marc Anthony Bruno, Appellant(s) 15 Nobles Alley #3 San Francisco, CA 94133	Paul Boschetti, Permit Holder(s) 955 Prague Street San Francisco, CA 94112
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BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARC ANTHONY BRUNO, _____)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION, _____)
Respondent)

Appeal No. **23-037**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 22, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 22, 2023 to Paul Boschetti, of a Plumbing Permit (Work category: 2PA; re-gas 3 units; re-copper 3 units; relocate 3 water heaters; new flue for same water heaters) at 472 Union Street.

APPLICATION NO. PW20230822584

FOR HEARING ON September 27, 2023

Address of Appellant(s):

Address of Other Parties:

Marc Anthony Bruno, Appellant(s) 15 Nobles Alley #3 San Francisco, CA 94133	Paul Boschetti, Permit Holder(s) 955 Prague Street San Francisco, CA 94112
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Date Filed: August 21, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-036

I / We, **Marc Anthony Bruno**, hereby appeal the following departmental action: **ISSUANCE of an ADMINISTRATIVE PERMIT No. 2023/07/18/2373** by the **Department of Building Inspection** which was issued or became effective on: **August 4, 2023**, to: **Paul Boschetti**, for the property located at: **472-474-476 Union Street and 15 Nobles Alley**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **September 7, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and aida@sonic.net

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **September 21, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and marcabruno@yahoo.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, September 27, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Marc Anthony Bruno, appellant

Appeal of Permit 202307182373; 15 Nobles Alley, San Francisco

This is an appeal of a permit request not sanctioned by the Building Code. Permit

Applicant Paul Boschetti requests "Administrative permit to document "house- keeping" unit. Correct record to show (e) housekeeping unit as legal." (Permit 202307182373)

This Permit Should be Denied for the Following Reasons:

(1) Area of building is a substandard sized storeroom, dark and humid. Giving this area a new name cannot change safety, habitability and workplace codes. "Housekeeping" implies someone could work from this area or perhaps even live there. Both uses would be an egregious misuse of the Building Code as the area is designated for neither use.

(2) A "house-keeping unit" does not have significance in the building code. It is not by accident that DBI Permits places this designation in quotes in the application.

(3) The application is confusing. It seems to be the property owner's attempt to rename an otherwise non-income producing area of the building, "house-keeping unit." Why not call it a "Yoga Room?" The Building Code sanctions neither of these false designations.

(4) Permit holder was cited twice by the City for illegally attempting to make this area into an un-permitted Accessory Dwelling Unit. In 2018, he falsely presented plans naming this area a pre-existing "studio unit." In 2022 he did extensive work on the storeroom without permits. (See B.O.A. Appeal No. 18-134; and, DBI NOV 202200496.)

The above statement is true and correct, based on my information and belief.

Signed: _[Marc Bruno Electronic Signature]_ Dated: August 21, 2023

Contact Information

Appellant Marc Bruno
15 Nobles Alley, Apartment 3 / San Francisco CA 94133
<marcabruno@yahoo.com>; 415-434-1528 (Home/ Landline)

For convenience to the Board, I include Permit Applicant's Contact Information:
Permit Applicant Paul Boschetti
Paul Boschetti <aida@sonic.net> ; 415-310-2140 (Cell)

Permit Details Report

Report Date: 8/21/2023 10:12:45 AM

Application Number: 202307182373
 Form Number: 8
 Address(es): 0104 / 021 / 1 472 UNION ST
 0104 / 021 / 1 474 UNION ST
 0104 / 021 / 1 476 UNION ST
 0104 / 021 / 0 15 NOBLES AL
 Description: ADMINISTRATIVE PERMIT TO DOCUMENT "HOUSE-KEEPING" UNIT. CORRECT RECORD TO SHOW (E) HOUSEKEEPING UNIT AS LEGAL. COMPLY WITH NOV UNDER SEPARATE PERMIT (202200496). NO WORK TO BE PERFORMED UNDER THIS PERMIT.
 Cost: \$1.00
 Occupancy Code: R-2
 Building Use: 24 - APARTMENTS

Disposition / Stage:

Action Date	Stage	Comments
7/18/2023	TRIAGE	
7/18/2023	FILING	
7/18/2023	FILED	
8/4/2023	APPROVED	
8/4/2023	ISSUED	

Contact Details:

Contractor Details:

License Number: OWNER
 Name: OWNER
 Company Name: OWNER
 Address: OWNER * OWNER CA 00000-0000
 Phone:

Addenda Details:

Description:

Step	Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
1	CES		7/18/23	7/18/23			7/18/23	HINCHION JOHN		
2	HIS		7/17/23	7/17/23			7/17/23	LAWRIE JAMES		
3	INTAKE		7/18/23	7/18/23			7/18/23	PANGELINAN MARIANNE		
4	CP-ZOC		7/18/23	7/18/23			7/18/23	OROPEZA EDGAR		N/A - 7/18/2023 E.O DBI's record managment and their 3R department determine the legality and location of the units.
5	BLDG		7/24/23	7/24/23			7/24/23	WALLS MARK		APPROVED.
6	MECH		7/24/23	7/24/23			7/24/23	ORTEGA REYNALDO		Approved OTC, plans back to customer for CPB issue
7	SFFD		7/18/23	7/18/23			7/18/23	RHAB BOUGHN		7/18/23: N/A; administrative permit only
8	CPB		8/4/23	8/4/23			8/4/23	LEE ERIC	Administrative	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking](#) home page.

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Date Filed: August 22, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-037

I / We, **Marc Anthony Bruno**, hereby appeal the following departmental action: **ISSUANCE of Plumbing Permit No. PW20230822584** by the **Department of Building Inspection** which was issued or became effective on: **August 22, 2023**, to: **Paul Boschetti**, for the property located at: **472 Union Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **September 7, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and aida@sonic.net

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **September 21, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org and marcabruno@yahoo.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, September 27, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

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Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Marc Anthony Bruno, appellant

Appeal of Plumbing Permit PW20230822584; Block/Lot 0104/ 021

This is an appeal of a permit request not sanctioned by the Building Code. Permit Applicant Terrence Dunne of Dunne Plumbing, on behalf of property owner Paul Boschetti requests "Work Category 2PA Re-Gas 3 Units. Re-Copper 3 units. Relocate 3 Water Heaters. New Flue for Same Water Heaters."

(Permit PW20230822584)

This Permit Should be Denied for the Following Reasons:

- (1) The location of the units to be re-coppered is not identified in the permit. "472 Union," the only address given, is not a street address but an apartment unit. "472 Union" is a single apartment. It is impossible for "3 units" to be re-coppered in the single apartment listed here.
- (2) The location of the three units to be re-coppered is significant. Some units on the property are occupied; Others are not. It is in the interest of the City and County, and of the Building Department, to know whether or not the units being re-coppered include units where citizens are currently living.
- (3) Location of the three units to be re-coppered is significant for another reason. As the re-coppering of pipes will disturb the quiet enjoyment of the property, residents have a right to know if their apartment is being considered for re-piping.
- (4) The effect of re-piping on residents, and the interest of the City to know, is true for the other proposed work under this permit, including "re-gassing" and "re-location of water heaters."
- (5) The current permit by the same Plumbing Contractor has been greatly abused. Tenants were never notified of the work here prior to its start on or about August 2, 2023. In addition, the Contractor, regularly worked outside the current permit, A complaint on this scoping matter was filed August 18, 2023.

The above statement is true and correct, based on my information and belief.

Signed: Marc Bruno Electronic Signature

Dated: August 22, 2023

Contact Information
Marc Bruno, Appellant

15 Nobles Alley, Apartment 3 / San Francisco CA 94133
415-434-1528 Home/ Landline marcabruno@yahoo.com

Here is Building Owner's Contact Information:
Paul Boschetti <aida@sonic.net> ; 415-310-2140 (Cell)

[Attached Below is the Permit Application I am appealing,]

Plumbing Permit Details Report

Report Date: 8/22/2023 4:00:51 PM

Application Number: PW20230822584
 Address(es): 0104 / 021 : 472 UNION ST
 Description: WORK CATEGORY: 2PA; RE-GAS 3 UNITS. RE-COPPER 3 UNITS. RELOCATE 3 WATER HEATERS. NEW FLUE FOR SAME WATER HEATERS.

Stage:

Action Date	Stage	Comments
8/22/2023	ISSUED	

Contractor Details:

License Number: 690001
 Name: TERRENCE DUNNE
 Company Name: DUNNE PLUMBING
 Address: 725 WALNUT AV BURLINGAME CA, 94010
 Phone: 4158280141

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspection Details:

Activity Date	Inspector	Inspection Description	Inspection Status
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

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BRIEF SUBMITTED BY THE APPELLANT(S) FOR APPEAL
NO. 23-036

Appellant's Brief, Appeal of Permit 202307182373 (Appeal 23-036)

Permit 202307182373 should be denied for these reasons, a summary:

- (1) A housekeeping unit is not the appropriate designation for the building area referred to by the property owner (hereinafter "respondent") in this matter. Instead, the correct designation is an A.D.U., an Accessory Dwelling Unit;
- (2) The owner misinforms the City's Building Department of the property's permitting history by implying that a mistake was made by the City and its representatives in response to an unspecified prior request;
- (3) "Housekeeping Unit" and "Housekeeping Room" are defined by the City's Housing and Planning Codes, which are identical. The plain language interpretation of this definition makes this designation unavailable as an option to respondent.

Expansion and explanation of First Reason Permit 202307182373 should be denied:

(1) "Housekeeping unit" is not the appropriate designation. To legalize this area as a dwelling area, if it is possible to do so at all, property owner should apply for an Accessory Dwelling Unit (ADU) under the City's Planning Code.

Respondent asks the City to label part of 15 Nobles Alley, 472, 474 and 476 Union Street a "housekeeping unit." The appropriate designation under the City's Planning Code and Housing Codes is an A.D.U., an Accessory Dwelling Unit. Respondent was told in no uncertain terms to apply for an A.D.U. by the Building Department before the Board of Appeals at a hearing concerning this property on February 6, 2019. **See SFGovTV recording, which has been transcribed below. Hyperlink to the recording is:**

https://sanfrancisco.granicus.com/player/clip/32355?view_id=6&redirect=true&h=8b8ad19bcb94fde6f3cfe318928e70a6

[Also see Attachment 5, "Caption Notes" Pp. 4 - 13, for this hearing.]

Transcription from Video Recording:

'Board of Appeals President Frank Fung: "I have a further question for Mr. Duffy.

Just to confirm with you. The configuration as shown on the plans of the space that they want to renovate, is that an unoccupied space, currently, that would then represent a seventh unit?"

Building Inspector Joe Duffy: "Correct. That's right."

Board President Frank Fung: "So, it has to be an A.D.U.?"

Building Inspector Duffy: "It's an A.D.U.."

Board President Fung: "Which has to have a different application."

Building Inspector Duffy: "Yes, it's a completely different process. That permit. That's why it's not [an alteration permit]. The remodel in Unit 2 for a kitchen and the bathroom, that would be simple enough to get, but there are issues with the plans as well. I didn't get a chance to say that, as well. You know, the site plan, the floor plan of the building, they probably are better to just start over again in this case. I don't know why they show it as an existing studio, but it is not a studio. "

[B.O.A. Hearing 02/06/2019, Item 5, Appeal 18-134, Time Code 20:30 to 21:40]

Vice President Richard Swig reiterated the need for an A.D.U. at this site.

Vice President Richard Swig: "Clearly an A.D.U. permit at some point, if they choose to go that direction, needs to be filed." [B.O.A. Hearing on 02/06/2019, Item 5, Appeal 18-134, Video Time Code 24:16]

This Q & A with D.B.I. is the basis for the motion made shortly afterward to deny the permit related to respondent's attempt to legalize the storeroom at 15 Nobles Alley/ 472 Union by acquiring an inappropriate permit to do so. The permit he acquired, which then was denied by the Board of Appeals on February 6, 2019, reads:

Permit 201808278441, "Renovation of (E) Bath, Kitchen in Unit 2 and In Studio Unit on First Floor."

The plans respondent submitted to the D.B.I. at the time showed this area of the building to be a "Unit 7," but there was and is no "Unit 7" at 15 Nobles Alley / 472 Union Street. The respondent submitted also falsely labeled the storeroom as "an existing studio."

In the words of Inspector Joe Duffy, who visited the site in 2019, "I don't know why they show it as an existing studio. It is not a studio." [Op. Cit. Emphasis added.]

Respondent's permit for the "renovation" was issued in error, based on incorrect information he provided to the City. Until his permit was suspended prior to the Board of Appeals hearings in 2018 and 2019, respondent was seen by appellant working regularly in and around the storeroom. Appellant believes that anyone with knowledge of the building trades, or the real estate business-- indeed, anyone with common sense-- would know without a doubt that the storeroom was not "an existing studio." There are bath or bathroom facilities. There is no kitchen. There is no sign that anyone ever lived there (indeed, nobody has) and the single entrance to the storeroom opens on a dark landing next to the garbage receptacles for the building.

Expansion and explanation of Second Reason Permit should be denied:

(2) Permit holder misinforms the City of property's permitting history by implying a mistake was made by the City and its representatives in response to an unspecified, prior request to designate the storeroom a "housekeeping unit."

The application for permit 202307182373 asks for an "Administrative permit to document 'housekeeping' unit. Correct record to show housekeeping unit as legal."

Respondent's request notwithstanding, there is nothing to "correct," because the City did nothing wrong. There is no evidence that any property owner at 15 Nobles Alley/472 Union ever applied with the City to change this storeroom into a dwelling unit, much less a housekeeping one. To issue a "correction," respondent needs to offer evidence that a City agency, department or representative failed to respond correctly to a legitimate application to designate this storeroom a dwelling unit. According to the DBI Records Department, no such application was ever made.

Expansion and explanation of Third Reason Permit should be denied:

(3) The plain meanings of the definitions of a "Housekeeping Room" and "Housekeeping Unit" in the City's Planning and Housing Codes make designation of such a unit unavailable as an option to respondent.

The referenced codes define a Housekeeping Unit in identical language:

"Housekeeping Room/Unit with Cooking Facilities. Housekeeping unit or room containing one guest room with electric cooking facilities, in existence and legalized by permit prior to 1969 in a residential building built before 1960."

[San Francisco Planning Code, Article 1, General Zoning Provisions, Section 102, Definitions, "Dwelling Unit;" San Francisco Housing Code (2022), Chapter 4, Section 401, "Definitions."]

The plain meaning of this definition in the City's Planning and Housing Codes is that for the area of a building to be designated "Housekeeping Room" or "Unit," the owner of the property would have had to apply for her/his/their "housekeeping" designation no later than December 31, 1968.

It is now 55 years later. The respondent cannot avail himself of an obsolete designation. This may be one reason the assigned building inspector for the property in 2019, after visiting the storeroom in-person, told respondent the correct way to attempt to designate this area as residential is to apply for an Accessory Dwelling Unit.

Declaration by Appellant regarding prior use of the area at-issue, a basement storeroom at 15 Nobles Alley / 472 Union Street (Block /Lot 0104/ 021)

The appellant in this matter, Marc Bruno, has lived at 15 Nobles Alley for over 36 years. During this time, nobody ever lived in the storeroom on the first floor, nor used it as a dwelling unit, not even on a temporary basis. With his signature below on this brief, appellant testifies that this is true and correct under penalty of perjury.

[Electronic Signature of Marc Bruno, Appellant, Appeal 23-036. Signed September 10, 2023.]

Conclusion

In his rush to make his storeroom a so-called "Unit 7" outside of the required permitting process, respondent falsely reported to the D.B.I. in 2018 and 2019 (yes, in both years) that it was an "existing studio." By avoiding the A.D.U. process, respondent never gave notice to tenants living in the building about his intentions. He also was able to forego the required "Declaration to the Rent Board" in this matter. **[See Attachments 1 - 4, "Addition of Dwelling Units per Ordinance," plus Notice Forms and Instructions from the City's Planning Department re A.D.U. applications.]**

In November 2022, respondent again avoided all notice requirements by attempting to renovate the same storeroom, this time with no permits whatsoever. He began the project by demolishing a wall to a bathroom in a public area of the building. Respondent was stopped in his first attempt (2018 - 2019) by the Board of Appeals on 02/06/19; In his second attempt by the City's D.B.I. on 12/23/22.

[Attachments (8) & (9) Board of Appeal Notice of Decision re Appeal 18-134, on 02/20/2019 and N.O.V. 202200496 on 12/23/2022.]

Respondent in this matter has not dealt straight with the City nor with the tenants in the building. He did not follow the process recommended at the hearing of February 6th by the San Francisco Building Department, a process that was widely publicized and well known to those in the residential real estate business. Based on his subsequent actions, (beginning work once again in 2022, this time without any permit at all) there is no basis to believe respondent's actions in this regard were merely an honest mistake.

The permitting system for the City and County relies on honest and complete information forthrightly given. Inspections are usually not done by the D.B.I. until after a project has begun. The City and the D.B.I. rely on fair dealing by applicants. Tenants also rely on fair dealing by the owners of the buildings where they live. Without this, the building may become-- as it has at 15 Nobles Alley/ 472 Union-- a series of un-noticed, unpermitted and un-authorized projects greatly interfering with the quiet and private enjoyment of the premises guaranteed by state and local law.

Building Code embraces areas of buildings that are "accessory to residential use"

City codes embrace the possibility that some areas of a multi-family building might provide functional support for its habitability and safety. No landlord is guaranteed under City or state law that each square inch of a multi-family building is eligible for residential use. For instance, Section 303(a) of the City Building Code states: "Inspection by City. Routine Inspections. All apartment houses and hotels shall be subject to periodic health and safety inspections within the time frames specified by Section 302 of this code.

These inspections shall be performed throughout the common areas of the building including but not limited to building lobbies, exit corridors, balconies, common hallways, exit stairs, courtyards, lightwells, garages, garbage rooms or area, boiler rooms, laundry rooms, utility rooms housing electrical or gas service, storage rooms/areas, basements, maids closets, common linen closets, community kitchens, common bathrooms, roof areas, the habitable room housing a temperature-sensing device as required by Section 701(c) of this code, or any other portion of the building used for, or intended for residential use, or accessory to residential use."

The storeroom at 15 Nobles Alley/ 472 Union Street might be such an area, a component of the building that the City would properly label a "basement" or a "storage room/ area" that is "accessory to residential use." The way to determine this is to follow the Accessory Dwelling Unit process as laid out by the City Planning Department.

To give respondent a "pass" on this process is to eliminate the oversight role of City government. A pass in this matter also eliminates those voices that the City requires to be heard, and that should be heard. These include the voices of the Planning Department, neighbors and the tenants that live in the building. Good policy requires that these voices remain part of the process. For this additional reason, permit 202307182373 should be denied, so that proper notice is given and respondent's intentions scrutinized by those most likely to be directly effect by his proposals.

Failure to give Notice negatively impacts the Welfare and Safety of Tenants

Respondent's attempts to circumvent the rules and process set forth in the Planning and Building Codes effects the welfare and safety of those living at 15 Nobles Alley / 472 Union Street (a.k.a. Block /Lot: 0104 /021).

Subsequent to the N.O.V. by Inspector Guaiumi, the Housing Division of the Building Department sent out Inspector Christina Dang. Inspector Dang noted that the garage in this building is a fire hazard, because it was stuffed to the gills with construction materials and equipment for a job that was ultimately not even permitted. She also noted that there was no sprinkler system in our garage. This construction material and

equipment blocked tenants' access to their circuit breakers, also located there. This material was not removed (and then, only partially) until eight months later-- despite subsequent notices and two more on-site visits from Housing, when the City's Fire Department inspected the garage. It was only then, upon a notice from a Fire Inspector that some of the material stuffed into the garage was removed.

[See Attachment 10, Page 1, N.O.V. 202305216.]

In addition to the N.O.V., Inspector Dang took photographs of the construction material stuffed into the garage. **[See Attachment 19, Photographs 15 and 16. Due to its size, Attachment 19 from the Building Department is uploaded to the Cloud at the Board of Appeals. You will find it here:**

<https://app.box.com/s/nc0vml63r06qq24w7xm9p9y0fmjd7ss0>

Note on the Documents and Photographs attached to this Brief for Appeal 23-036

Attachments are separated into four sections:

- (A) ADU Application Documents;
- (B) "Caption Notes" in support of the hearing transcript from the Board of Appeals, February 6, 2019;
- (C.) Recent N.O.V.s, Notices of Decision, Orders of Abatement and Orders to Repair at 15 Nobles Alley/ 472 Union Street;
- (D.) Photos taken by inspectors referenced in "C" (inspectors who issued N.O.V.s, etc.)

Attachments (1) - (4) Planning Department Forms for an Accessory Dwelling Unit.

These are the ADU forms referenced in this Brief.

(5) Caption Notes from the February 6, 2019 Board of Appeals Hearing. The section concerning 15 Nobles Alley - 472 Union Street begins on page 4 of the Caption Notes.

(6) Housing N.O.V., Copy of Attachment 10, issued 03.17.2023.

(7) Sunshine Request for SFFD Report regarding inspection of garage, August 22, 2023.

(8) - (18) N.O.D., N.O.V.s , Abatement Order at 15 Nobles Alley/ 472 Union Street.

(19) Photographs taken by inspectors at 15 Nobles/ 472 Union Street.

(20) - (24) Photographs by Inspector Guaiumi of "Work without Permits" related to Stop Work Order / N.O.V. 202200496.

(25) - (28) Photographs by Inspector Allen of working beyond the scope of permit, related to Stop Work Order / N.O.V. 202312525.

Executed this Tenth day of September, 2023, by Appellant Marc Bruno,

[Electronic Signature of Marc Bruno]
By: _____
MARC BRUNO, APPELLANT



LEGALIZATION OF UNAUTHORIZED UNITS CHECKLIST

Look up your property and zoning information on the [Property Information Map](#).

Project Address		Block	Lot	Zoning District
Project Contact Name		Email	Phone	Historic Status (circle)
				Article 10 Article 11 CEQA: A / B / C
Dwelling Unit Count		Number of Stories		Total Excavation (Cubic Yards)
(E) per 3R:	# DU:	(E)	(N)	Screening Form
				Required prior to submittal of permit application.

Checklist	Required?
Site Plan showing: <i>If exterior changes are proposed (expansions, stairs, decks, etc.), include separate existing and proposed site plans.</i>	
Adjacent Lots: (both sides) with full outlines of buildings on those adjacent properties.	Yes
Direction of True North: indicate if project North is different.	Yes
Dimensions: Dimension the distance from the existing Building Walls to Property Lines and other structures on the lot.	Yes
Landscape and Permeable Surface: show areas in Required Front Setback.	Only if there is an existing front setback
Curb Cuts: if vehicle parking is to be removed, show curb cut(s) to be removed and note "remove curb cut".	Only if removing off-street parking
Street Tree: indicate the location of existing and proposed street trees.	Yes
Floor Plans, existing and proposed for all floors, showing: <i>On all plan views, label the street names, rooms, and areas.</i>	
Location of New Unit: New Unit ##, and square foot area of new unit.	Yes
Existing Dwelling Units: location of all dwelling units in the building. These units to be labeled "Existing Units" with all the rooms and spaces labeled according to their use(s).	Yes
Laundry and Storage: location of services.	Yes
Toters: location of dedicated space for trash, recycling and compost carts on private property and screened from public view. Visit SFRecology.com for more information.	Yes
Parking: include dimensions and outline of all existing and proposed vehicle and bicycle parking.	Yes
Building Elevations: <i>As stated in the Plan Submittal Guidelines, if there are any exterior changes proposed; provide separate existing and proposed elevations for only the building face(s) related to the work.</i>	
Partial Elevations for Non-Public Facing Facades: partial elevations of floor level on which work is proposed will be accepted in-lieu of full elevations if the project does not include an expansion. These partial elevations would be suitable for new openings or modifications to openings.	Only if small modifications are proposed

<p>Exterior Materials: if changes proposed to exterior, include existing and proposed exterior materials on drawings for new or replacement doors, windows, and exterior finish material. If an elevation is not required, this information may be provided elsewhere in the plan set.</p>	<p>Only if exterior changes are proposed</p>
<p>Windows: include dimensions, operation, and material type. Provide plan section detail of new windows.</p>	<p>Yes</p>
<p>Sections: <i>Provide a section to confirm floor to ceiling heights and/or excavation at the level(s) of the unit.</i></p>	
<p><i>If there is a change in floor to ceiling heights or excavation is proposed, include separate existing and proposed sections with floor to ceiling heights.</i></p>	<p>Only if changes proposed</p>



Addition of Dwelling Units per Ordinance

- No. 162-16 and subsequent amendments or
- No. 95-17 and subsequent amendments (check one box only)

SCREENING FORM – No fee to file

Section 1 and 3 of the screening form shall be completed by the owner or agent to determine the eligibility for adding dwelling units per Ordinance No. 162-16 based on permits for Mandatory Seismic Retrofitting under SFEBC Chapter 5E, or voluntary seismic retrofitting per AB-094, or existing residential building complies with the requirements of Ordinance No. 162-16 and subsequent amendments or No. 95-17 and subsequent amendments. Section 2 shall only be completed by the owner.

Submit the completed Screening Form (with the supporting documents) either:

- As a pdf attachment to dbi.adu@sfgov.org with “ADU Screening Submittal” in subject line; or
- As a hardcopy by U.S. mail to: 49 South Van Ness Avenue, Suite 500 San Francisco, CA 94103 Attn: Technical Services

BLOCK / LOT NUMBER: _____

ADDRESS: _____

CONTACT (OWNER OR AGENT) : _____

SECTION 1 – ADMINISTRATIVE INFORMATION

Contact Name	Contact Telephone	Contact Email
Contact Mailing Address		

SECTION 2 - OWNER AFFIDAVIT - HOUSING SERVICES

(Completed by Owner only)

A. Owner(s) acknowledges that pursuant to Rent Ordinance 37.2(r) severance of garage facilities, parking facilities, driveways, storage space, laundry rooms, decks, patios, and gardens on the same lot, or kitchen facilities and lobbies within an SRO from an existing tenancy requires a "just cause". The issuance of a permit does not constitute a just cause. A signature below asserts that the Owner(s) is aware of these legal requirements and is proceeding with filing a permit to convert existing space within their building into an Accessory Dwelling Unit(s), or owner signature asserts that property is not subject to these controls in Rent Ordinance or project does not propose removal of housing services, therefore B & C as described below, not required as part of Screening Form process.

Printed Name of Owner	Signature	Date
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San Francisco Residential Rent Stabilization and Arbitration Board

INSTRUCTIONS

- (1) The owner must provide all of the requested information and file this Declaration at the Rent Board **before** submitting an application to construct an ADU under Planning Code Section 207(c){4}.
- (2) A copy of the *Notification to Tenants* required by Planning Code Section 207(c)(4)(J) must be attached to this Declaration.

Rent Board Date Stamp

OWNER'S DECLARATION - ADU CONSTRUCTION

[Pursuant to Planning Code §207(c)(4)]

↓ Property Address ↓

The address of the property where the owner intends to seek approval for the construction of one or more Accessory Dwelling Units (ADU) under Planning Code Section 207(c)(4):

San Francisco, CA 941

Street Number	Street Name	Unit Number	City	State	Zip Code	Assessor's Parcel No.	(lot and block)
---------------	-------------	-------------	------	-------	----------	-----------------------	-----------------

↓ Owner Information ↓

Owner's Name

Business Address: Street Number Street Name Unit Number City State Zip Code

Business Phone Number Business Email Address

↓ Owner's Statement – Part 1 ↓

A copy of the Notification to Tenants pursuant to Planning Code Section 207(c)(4)(J) describing the proposed ADU project was posted in an accessible common area of the building and mailed or delivered to each unit (including unauthorized units) at the subject property. (A copy of the Notification must be attached to this Declaration at the time of filing at the Rent Board)

If the above statement is true, please check the box.

The Notification was posted in the common area of the building on: _____ (date)

The Notification was mailed/delivered to each unit on: _____ (date)



San Francisco Residential Rent Stabilization and Arbitration Board

↓ Owner’s Statement – Part 2↓

Rent Ordinance Section 37.2(r) requires owners to have a “just cause” reason* under Ordinance Section 37.9(a) in order to remove or substantially reduce any of the following **“housing services”** from a tenancy - garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks, patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy hotels.

Provide a description of any housing services supplied in connection with the use or occupancy of any units on the subject property that are located in the area (floor) of the property or building where the ADU(s) will be constructed:

↓ Owner’s Statement – Part 3↓

The proposed ADU project at the property that is described in the attached Notification to Tenants will comply with the requirements of 37.2(r) as follows (one box must be checked):

- a. I declare that NO tenant housing services will be removed or substantially reduced as a result of the proposed ADU project.
- b. I declare that the following tenant housing service(s) will be removed or substantially reduced as a result of the proposed ADU project (please provide a detailed explanation and attach additional pages if necessary):

The housing service(s) that will be removed or substantially reduced will affect the following rental units:



San Francisco Residential Rent Stabilization and Arbitration Board

↓ Owner's Statement – Part 3, continued ↓

If any tenant housing services will be removed or substantially reduced, state (a) whether or not any of the "just cause" reasons* under Ordinance Section 37.9(a) will apply, AND/OR (b) whether any of the affected tenants have given their express written consent for the removal or substantial reduction:

(a) The following "just cause" reason* under Section 37.9(a) applies:

(b) The following tenants have given their express written consent for the removal or substantial reduction (copy of the tenants' written consent must be attached):

***WARNING TO OWNER** - The issuance of a permit for construction of an Accessory Dwelling Unit does not, on its own, constitute a just cause for the purpose of removing or substantially reducing a housing service. If the landlord wrongfully endeavors to remove or substantially reduce a housing service supplied in connection with the use or occupancy of a rental unit, the landlord may be found guilty of a misdemeanor, and the tenant, or the Rent Board, may bring a civil action (lawsuit) for an injunction or treble damages (money), or both, and attorney fees.

↓ Owner's Declaration ↓

I declare under penalty of perjury under the laws of the State of California that every statement in this Declaration and every attached document is true and correct to the best of my knowledge and belief.

Print Owner's Name

Owner's Signature

Date

OFFICE USE ONLY

Date of 207(c)(4)(J) Notice _____

Tenant Objection Deadline _____ Objection Timely Filed: Yes No

Date Provided to Planning Dept. _____

Rent Board Staff Signature: _____



Part of [Step by step: Prepare for an accessory dwelling unit \(ADU\) project](#)

Post a notice for your ADU

For Local program ADUs, you must post a notice in your building at least 15 days before you submit your ADU application.

Post your notice and send your declaration

You must post your notice and take a picture at least 15 days before you apply for your ADU permit.

Deliver your notice

You must mail or deliver it to all units in the building.

What to do

1. Complete the notice of adding an ADU

Download the [Notice of Addition of Accessory Dwelling Unit \(ADU\)](#).

Add your details to the PDF template.

Save and print your version.

2. Complete your written declaration

Download the [Declaration of ADU construction](#).

Add your details to the PDF template and sign it.

Save and print your version.

3. Post the notice and declaration in your building and take a picture

You must post the notice and declare it on the same day.

Every page of your notice and declaration must be posted in the common area.

Take a picture of your posted notice and declaration. Your photo must show all the pages and that it is posted in a common area. You will upload the picture with your ADU application.

You must post the notice at least 15 days before applying.

4. Send the written declaration to the Rent Board

Email or mail your completed and signed written declaration to the Rent Board.

✉ **Rent Board**
rentboard@sfgov.org

✉ **San Francisco Rent Board**

25 Van Ness Avenue
Suite 320
San Francisco, CA 94102

Please note that we are not conducting in-person counseling sessions at this time due to COVID-19.

5. Mail or deliver the notice and declaration to your units

Mail or deliver the notice and declaration to every unit, including unauthorized units) at the property.

Save your mailing list. You will upload this with your application.

You must do this at least 15 calendar days before you submit your application.

6. Save documents to submit to Planning

You will need to submit copies of these to the Planning Department.

1. Copy of your completed ADU notice
2. Picture of the ADU notice with Rent Board declaration in a common area of the property
3. Mailing or delivery list

Resources

[ADU page from the Rent Board.](#)

[ADU page from SF Planning.](#)

Last updated November 15, 2022

Departments

[Rent Board](#)

[SF Planning](#)

Related

[Prepare for an accessory dwelling unit \(ADU\) project](#)

Decide if you want to add an ADU and prepare your application.

[Apply to build an accessory dwelling unit \(ADUs\)](#)

Follow these steps to apply online and complete the other required processes to build your ADU.





City and County of San Francisco

WEDNESDAY, FEBRUARY 06, 2019

>> good evening, welcome to the

February 6th, 2019 meeting of the san francisco board of appeals. Frank fung will be the presiding officer tonight.

He is joined by rick swig, anne. Brad russy will provide the board with any legal advice this evening. At the controls of the board

legal assistant, gary and I'm julie rosenburg the board's executive director. We will be joined by representatives from the city departments that have cases before the board this evening.

We expect scott sanchez, the

acting deputy zoning administrator, joseph duffy representing the department of building inspection and chris

buck, urban for esther

forester. The board meeting guidelines are as follows. The board requests you turn off

or silence all phones and other electronic devices so they will not disturb the proceedings.

Carry on conversations in the hallway. The rules of presentation are as follows. Appellants, permanent holder and

department respondents are given seven minutes to present their case and three minutes for rebuttle.

People affiliated must include

their comments within the period. Members of the public not affiliated have up to three minutes to address the board and no rebuttle.

Please speak into the microphone. To assist the board in the accurate preparation of minutes you are asked but not required

to submit a speaker card or business card. Speaker cards are available on

the left side of the podium. If you have questions, please speak to board staff during a break or after the meeting or call or visit the board office.

We are located at 1650 mission street.

It's broadcast live on sfgov and

will be rebroadcast on channel 26. The video is available on our

website and can be downloaded

from sfgovtv.Org. We will affirm those who attend to testify. Any member of the public May

speak without taking an oath pursuant to their rights under the sunshine ordinance. If you intend to testify at any of tonight's proceedings, and

wish to have the board give your testimony weight, stand if you are able, raise your right hand and say I do after you have been sworn in or affirmed. For those people who are going

to be giving testimony, do you swear affirm the testimony you are about to give be the truth, the whole truth and nothing but

the truth? Thank you.

We have one housekeeping item. Item number 8 has been drawn.

This is 18.161 thomas doughty

subject property at 19

at 189 magnolia street. We'll move on to item number 1 which is general public comment. This is an opportunity for anyone who would like to speak on a matter within the board's jurisdiction but that is not on

tonight's calender.

Is there anyone here for general public comment? We'll move on to item number 2. This is the election of the officers. We are required to have annual elections of the officers at this time of year. I want to thank President Fung and vice President Swig for all of your help and service this past year. So, we will

start with the offices of the President. Are there any members of the board who would like to nominate a colleague or themselves for the office of the President?

>> I'd like to nominate Frank Fung.

>> any other nominations?

Is there any public comment on

that motion? Seeing none.

On that motion -- I should check. President Fung, would you be willing to accept this position?

>> you don't want to do it anymore.

>> **President Fung:** I will, thank you.

On the motion to re-elect

President Fung for another term, President Fung.

>> **President Fung:** aye. >> commissioner Lazarus. >> aye. >> commissioner Honda.

>> aye. >> that passes. We will move on to vice President. Would anyone like to nominate a colleague.

>> I would like to nominate vice President Swig. >> ok. Vice President Swig would you accept that?

>> **V.P. Swig:** sure, thank you, very much. >> is there any public comment

on that motion to re-elect vice President Swig?

Seeing none. President Fung?

>> aye. >> commissioner Lazarus. >> aye. >> vice President Swig. >> aye.

>> congratulations.

So we will now move on to item number 3. Commissioner comments and questions. Any commissioner comments and questions?

>> I'd like to congratulate my President and vice President for their second year.

Also, wish everyone a happy

chinese lunar new year. Year of the pig. >> thank you.

>> is there any public comment

on item number 3?

Seeing none, we'll move on item number 4. The adoption of the minutes. Commissioners before you for discussion and possible adoption

of the minutes are the January 30th, 2019 board meeting. >> any corrections or additions?

>> move to adopt as submitted.

>> we have a motion from commissioner lazarus to adopt

the January 30th, 2019 board meeting minutes.

On that motion, President Fung. >> aye. >> commissioner honda. >> aye. >> vice President Swig. >> aye.

>> so the minutes are adopted.

We'll now move on to item number 5.

This is appeal number 18.134

mark bruno versus apartment building inspection 15 noble valley and 472 union street.

Protesting the issuance on September 21st, 2018 to paul of an alteration permit. Renovation of an existing bath and kitchen and unit 2 on the second floor and in the studio unit on the first floor to

comply with 201-84-0721.

This is application 2081. Note on December 5th, 2018, the

board voted 4-0-1 President Fung absent to continue this matter

to February 6th, 2019 so that one, the board can receive a full set of complete plans from

the permit holder and two, D.B.

>> **j. Gonzalez:** I

can assist a permit holder with clearing up notice of violation

and the parties can submit supplemental briefs.

Did you have a chance to review the material for this matter?

>> **President Fung:** I did. >> so, we will move forward and we will hear first from the

department of building

inspections and then the planning department if they wanted to add anything and the

permit holder and the appellant.

Each party has three minutes each. >> good evening, commissioners.

Joe duffy D.B.I.

I just got a chance to go to the property today. I did a site visit.

i met with the new building

owner, there sketty his name was. I was interested in the number of units in the building.

It was unclear with inconsistency over the years

whether it was five, six, seven, four, 12?

So, the property itself is one building. It's got two street front ages

on union street and it also fronts on to noble valley at the back of three units and three units.

The buildings are connected to they're not actually separate buildings. It's sort of got three units stacked on one, three units on the other building and on the

ground floor on the union street site, there's an area and I think that's the area that on

the building permit that they got was referencing a studio unit on the first floor.

That's not actually a legal studio unit. I did point that out to the owner. He was aware of that.

You know, at this point, the

work was started it was demolished on and they're in

the middle of the remodel. Without recommended any action, certainly on the description of

the permit, the renovation of existing bath and kitchen in

unit number two is ok. The end studio and first floor to comply with notice of violation is not ok. It might be that we deny this permit and they just start again. They're easier to get.

They're the kind of permits with b.D. I

-- let's start all over again in a properly organized fashion.

>> when this permit would be denied, and a proper set of plans come in for whatever they chose to do within the legal units of that building, I don't think it's a problem getting that permit. It's pretty easy permit.

They're opening the units a little bit. They're taking out a wall between the kitchen and dining room with structural drawings and stuff like that. I didn't see the drawings. They weren't on site today. The studio unit would be something that would have to go

through the planning department. It's a project at that point. >> a separate permit.

>> on a separate permit, yeah.

>> so is there any hardship

created by canceling the permit? Is there any hardship that would where you to

occur by wiping the slate clean

tomorrow morning at 9:00 A.M. He

could go down and file for a new

permit given proper plans and proper organization?

>> yes, they actually did file a couple of permits which they haven't processed yet. We don't want them to process until after this appeal. It shouldn't have happened. They wanted to -- that's exactly what they want to do.

I think the intention is to pull

separate permits for each unit. Which makes it simpler instead

of calling it unit two.

There's two unit 2s. 12, 3, 1, 2, 3.

They do have some news with old expired permits that we're going to have to work through and they did promise me they would do that. They did try to cancel the

permit with dbi so I don't think they have any problem with the denial of the permits because I think that's the part they wanted to go anyway.

They wanted to cancel this permit and start fresh.

>> is there any hardship by

canceling the permit created to

the project sponsor? >> I didn't see one. Apart from the fact the units

will be vacant for longer.

>> just to confirm, no revised drawings were shown to you.

>> I didn't get any.

>> I shoes not to have a

revision and could have been accepted by this board.

>> ok.

>> Mr. Bruno, if you say something, you need to come to

the front corner and

counter.

>> **President Fung:** my question to Mr. Duffy was there any

drawings had been shown to him and he answered no.

>> Mr. Sanchez, last time you provided comments. Not tonight.

We will now move onto the permit holder.

Permit holder's attorney. >> hi, I'm leo laraque here on

behalf of the permit holder.

On January 28th, 2019, the contractor did, at the suggestion of this board, file a

request to cancel the permit

associated with this appeal.

I was advised by Ms. Rosenberg this afternoon via e-mail that

when the appeal was filed, the process stops and the permit cannot be canceled.

that's why we're here today.

Mr. Morgan thomas, who is the representative of the owner of

the property and the -- one of

the employees of Mr. Biskety was

at the meeting with Mr. Duffy. A suggestion was made with

regards to amending the existing

permit to remove any reference to 472 union street and to amend

the plans that were submitted pursuant to the original permit, which is now subject to this

appeal by removing any reference

to 472 and move forward with the permit application that was

submitted many, many months ago. I understand Mr. Swig asked the

question would there be any

prejudice or hardship with

regards to canceling the permit

now and starting with a fresh slate. Essentially submitting new plans and permits.

Let's get this process moving.

The only indication I would make

and I would, at the suggestion,

what we would suggest happen is

we were prepared to amend the to

472 and to amend the existing

plans that remove any reference

to 472 union street and the

plans to unit number 2 is

essentially simple remodel or an

alteration with regards to a reconstruction of the bathroom

and a kitchen in that unit. >> each party was given three minutes each so you won't have

an opportunity, sir.

Mr. Bruno, please approach.

And you have three minutes as

well.

>> thank you, Mr. Fung, for speaking so I could hear you. You have a beautiful, deep voice but it's hard to hear as I get older.

I am here because I appealed an

application which is a violation of many rights of the people who live in this building.

You didn't have the advantage, commissioner fung, of being at the hearing on December 5th.

In fact, Mr. Buscatti purchased

this property at a director's hearing. Mr. Duffy wasn't there.

Three people from dbi were. He purchased it upon the finding of the director's hearing, meaning our own inspectors that

we pay for, who are objective analysis of this property to say no more work can be done on this property. Until many conditions are met. So to suggest that this is just

a minor issue at unit 2 or at 472 or 15 is not the case.

He purchased it at a great reduction in the then asking price of the property.

It's all at the board of appeal, rather the assessment and recorders office.

The property was being asked 2.3 million and it went for

1.8 million the very next day to. He owns many properties in this

city and to suggest that he was unaware that this baron-looking room that no one has lived in,

this so-called studio, could be in fact part of an application

for a refurbishing is dishonest.

There's no way it could be made into anything unless you went through the proper channels to get an A.D.U. There's many dishonest things here.

To go back why we're here today,

I suck as it seems Mr. Duffy is suggesting as well, not to worry about whether or not the appellant might suffer in some way.

He has made his own bed and must now lie in it.

He has approached the city and suggested that this room that has never been used by anybody, since 1911, when the building was built, could somehow be now refurbished by him, illegally, to have a seventh unit in the building. That was done not without his knowledge.

There is an egregious violation here. The studio, again, commissioner.

>> **President Fung:** didn't have

fung didn't see the studio which

he was so refurbish, there is no studio. There's no square footage unit.

The size of the so-called studio

so how many mistakes could he make? There's no location a the ground

floor that he describes in his application. For all these reasons I think the board should deny the application on these grounds alone. As we all know, the board of

appeals has three options.

One of them is not to just, as was suggested by the other party, the attorney for the

other party, just let it go or

alter or alternate the current application. It's not one of the options.

The options are to deny my

appeal or to deny the

application or to send it back with conditions. I ask you again that it be denied for all the reasons I presented.

Thank you for your time.

>> for the record, President Fung did have an opportunity to review the plans and all the materials submitted for the

earlier hearing. >> thank you. >> is there any public comment on this item? Seeing none.

Commissioners, this matter is submitted. >> I .

>> President Fung: I have a

question further for Mr. Duffy.

>> just to confirm again, the configuration shown on the plan

of the space that they want to

renovate, is that an unoccupied space that would represent a seventh unit. >> correct, that's right.

>> so it has to be an A.D.U. >> it is.

>> President Fung: which has to be different applications. >> it's a completely different process.

That permit was -- that's why

it's not -- the remodel and unit

number two for a kitchen and bathroom, that would be simple

enough to get. There are issues with the plans as well.

I didn't get a chance to say that as well.

The site plan, the floor plan of

the building, they are better to start again in this case.

I don't think I said, Mr. Bruno

said I said I was unaware it was

a studio and why think I said that. If I said that I didn't mean to

say that. I don't know why they show it as

an existing studio but it's not a studio yet.

They can go through that process

and Mr. Bruno can object or

support it as he wishes as well.

>> are you done?

>> this board has another option

which is a special conditions

permit where we can't accept a revision and apply that to a permit.

>> correct, that's right. If we have to hold the appeal,

is it because the permit was issued. The existing studio.

The studio did not exist.

>> I'm going in that direction. Thank you. >> these people can do a lot better than this.

That's what they need to do. The discussion I have with them today is that's the path they need to go. This is an older building. They want to remodel the units and bring them and modernize them and that's a good idea. We have a process for doing that. It's simple actually when you do it right, and you have respect for the people living in the building and people in the neighborhood. You get through your proper inspections and that's the indication I got from them today

and it's the road and I will get

on that road and other people in dbi ask as well. It's an older building. If they want to do it right,

we're always there to help.

>> given that situation, at the

last hearing, the confusion was,

at least in my mind was rampant.

Given that, which you just

described, and your recommendation, I would

absolutely heed your recommendation to wipe the slate clean and start all over again.

What was confusing, what is and

give dbi to clarify exactly what

so let's unit 2, let's make it clear it was ambiguous and

clearly there are flaws as you

identified in other stuff and clearly a permit at some point, if they chose from that direction needs to be filed.

A lot of stuff needs to be done and to quote you, thank you, very much.

The property owners could have

done a much better job, closed quote.

With that, I will agree with you and I would recommend to my fellow commissioners that we

find for the appeal ant ant on the grounds you stated it was

improperly. Can you stop hovering and sit down.

Can you sit down and please stop

hovering, thank you, very much.

We deny the -- we uphold the appeal on the grounds it was

improperly issued. Thank you.

>> **President Fung:** do you have a motion?

>> so we have a motion from vice

President Swig to grant the appeal and deny the permit on

the basis, what I understand, the plans were flawed and the

studio would require an a. D.U.

>> **V.P. Swig:** that the permit was improperly issued.

I think it would suffice.

>> on the basis the permit was

improperly issued. >> President Fung.

>> **President Fung:** aye. >> commissioner lazarus. >> aye. >> the appeal is granted.

Permit is denied.

We will now move on to appeal item number 6.

this is appeal number 18-164 richard hall versus san francisco public works bureau of urban forestry.

Subject property is 2940 16th street. On December 7th, san francisco public works of a public works

order approval of request to remove two street trees with replacement adjacent to the subject property.

This is order number 200294 and

we will hear from Mr. Hall first.

You have seven minutes, sir.

>> thank you. Basically, what I'm asking for

you today as a minimum removal of the two trees in front of the

historic red stone building

these trees, we have offices in

the building many, many other

organizations and these trees

shield us from the noise of the street in the winter.

They block the wind in the

summer they help cool us and as

with

, the building is four-storeys tall. They are huge trees that are of great benefit to this building

and should not be removed willie nilly, ok.

I'd also like to ask you to

consider that these trees are just a small part, removal of

these trees, are just a small

part of SFMTA's 22nd Street project which they're now calling the 16th street improvement project.

In order to improve our street,

they're removing 61 mature trees along 16th street. I haven't gone and taken

pictures of them or found them.

This should be reviewed in the full context of what sfmta is doing here and as far as I'm concerned, it's just a contractor and it isn't a and get sfmta into this room.

They didn't even answer my sunshine request. Basically I asked for your help. I don't know what flexibility you have but I do know that this is wrong and I also know that

D.P.W. Has a war on ficus trees and recently I saw that the library residents were rallying to save the same kind of trees in front of the library.

To takeaway such a valuable canopy of trees along 16th street needs to be well considered.

Not taking them out all at the same time. Maybe five years take a few out, five years later take a few out. If many these trees can be trimmed, salvageable and safe.

I just feel like I don't even understand the complete logic behind it.

A, I think it's part of this diluting of the dpw deforest

station project but also, I want sfmta to answer why they want all these trees removed.

I know they got buses. They got buses down there right now.

Is this to accommodate the two-storey google devices. Why are they taking all these trees out? That is sort of it. I have three more minutes but I

ask you to deny removal of these trees.

And to consider what power you

have to to get the full scope of

these issues considered.

Thank you. >> thank you.

We will now hear from the

department.

>> good evening, commissioners, chris san francisco public works

bureau of urban forestry. Regarding the two subject trees,

they're very large and beautiful. They are absolutely large

stature ficus trees. Specifically, there's two reasons why we're out there

evaluating these trees.

Both for the filmore22 street scape improvement project but

also due to the implication of

proposition e which we refer to as street tree sf.

This is a grid map. 261 that brought our inspectors

to the site to evaluate all the

trees in this grid of blocks. So, it's both.

It's both us doing routine

analysis of tree conditions but

also about a year and a half ago, already, part of the --

when there's a street scape project, there's a number of them annually.

There's ma sonic, public works, when there's going to be a lot

of work in the public right-of-way, we need to evaluate the condition of the

trees along that corridor so that all these work that is

taking place doesn't occur in a vacuum where we don't actually look at the trees. We wouldn't want a project to come through and then say oh well, we didn't look at the trees.

Why are they falling down? What's happening? So that's one of the things that occurs when there's a project. Whether it's a sewer replacement

or with some other agencies leading an effort.

but to go back to the trees themselves.

Street tree sf is the implementation of proposition e. We're now staffing up and getting more equipment and our goal is to prune every street

tree within a three to five year pruning cycle. Part of that is to evaluate the condition of the trees.

Here say photo of the two subject trees.

They're quite large. The larger the tree the greater the benefit and the more

beautiful and inspiring and

unfortunately both ficus trees have poor structure and they

meet the tree removal criteria

that the trees have competing co dominant leaders acute angles of

attachment and they also have

included bark.

There is an sfmta.

They have removed 10 or so trees along 16th that we want to remove now.

We don't want wait for the street scape project to occur.

There are a number of trees

we'll be posting for removal and there's more information about that.

The estimate is that potentially 61 trees would be proposed for removal from church all the way

east to mission bay on 16th.

Many of those are ficus trees.

But specifically, tree number one is pictured here in the right.

The backside of the tree has

lost a large stem and this structure with these three stems

join this way is prone to fail.

Here is the image taken from the

street showing narrow points of attachment with included bark,

areas within the tree that are prone to fail. The tree, years and years and

years ago was topped by produced this poor

poor structure. Here is a close up. This is the secondary structure.

This is about 20 feet up. 25 feet up. Each of these stems is almost a

foot in diameter.

They're really narrow point of

attachment and it is a high-risk

location within the tree that would fail.

Again, another example of weak attachment within the canopy. When we see the tree itself and its green and it's glossy and

the health, the vigor of the foliage age is fine but that's not what will hold the tree up. It's the structure.

There are examples of previously

failures within the trees.

And then again the limb on the

west side has had an injury over the road.

The sidewalk is pretty wide.

Generally, sidewalk repair will just keep repairing the sidewalk.

In this case it's not a problem for us. It's relatively routine for us

to damage the sidewalk. These are enormous trees. Although they provide the greatest benefits, it provides us with the

greatest concern for safety. They have deep bark inclusions, when we see trees fail over and over again in the same locations

we have a responsibility

unfortunately to keep the public safe.

Here is a close up of that poor structure. This is a view of the front of

the trunk from the street.

Again, looking up into the

canopy as high as you can access visually there are other issues with the trees. They were topped many, many

years ago and the branches that have regrown one of them failed. The image on the right shows

these two essentially you had of a stub at one point and it

sprouted back three branches.

These branches are 30 feet tall.

So the way we identify trees for

removal is we really go over the

structure of the tree.

When I see a big can pee, I have no idea that you have to get

under the hood and look at how those individuals branches

connect to each other.

Regarding replacement trees, tree number two closest to the corner is very close to a street light, just nine feet away from the street light. The species this large would require at least 21 feet. And it's wedged between the tree and the right and a tree out of view on the left.

This is a site where we would remove this tree without replacement. We have a number of guidelines

outlined in our director's order that regulates the planting and

maintenance and removal of

street trees so we have specific

clearances we need from street lights.

The only real concession, it's not a concession. I can offer this evening is instead of removing both trees

in plant it with two trees,

there is room to plant an additional three trees. so removal of two with replacement of three as shown. Again the tree close to the

street light cannot be replanted. The other tree can be replanted

and there's room for two additional trees.

So we ask you to up hold the approval to remove both trees

with replacement of a total of three trees. Thank you. >> questions? >> what size tree are you

talking about as a replacement and what species?

>> the species is not set yet.

So because of the street scape

project, I've e-mailed our

public works contact. So, I don't know the replacement species as of today and I apologize for that.

We certainly would keep with the species that are settled upon by

the community and that public outreach process.

The size that we're planning to replace would be 24-inch box.

It's possible that street scape, sometimes they plant 36 box size

trees for the project and that

is something I will double check. At the moment, it would be

24-inch box size trees that

would be a large size tree at maturity. >> I have a question, it looked, from the picture that you put up, that there were no trees on

the other side of the street. >> correct.

There are no trees across the street.

There is a street scape plan to

plan a lot more trees. It's not -- I'm not a project representative for that and i don't want to give you a big song and dance and glossy photos

but there's going to be a lot of

new trees planted.

We have to check for underground basements and things like that. There's certainly a potential to

get a lot more trees in the area. >> I have a question.

I mean, I don't envy your job because I know what a tree lover you are.

In row sent

recent cases we've had appeals coming fourth regarding

mass reduction of ficus trees.

We just recently had one for 19 trees. It was mentioned at that hearing, had you been on the

other side, we would ask why we don't want these trees to go away. But here, now, besides these three, you are mentioning that

there's a potential of 61 trees

being removed from our city.

And I believe that last year our

can pee is one of the lowest out

of any metropolitan city. When you wholesale bulk remove

that amount of foal age?

>> we have a low canopy cover for sure.

We didn't have a native forest. We're at a disadvantage. A lot of the cities in the west don't have a native forest the

way that Chicago -- the trees just pop up out of the ground. There's native trees stock that naturally trees in those areas.

We started from an urban environment. There's good and bad, right.

These trees haven't been maintained regularly over the years.

Just like a lot of our trees and we the library they persuade the removal of the 19 trees.

We didn't initiate that removal. But the street scape project is bringing us to the 16th street and we've got to look at the

trees on that corridor. Just like Van Ness. If there's a lot of activity and

a lot of work, are the trees in good enough condition to withstand all that. It gives us an opportunity to remove trees that are very poor structure and replace them.

In this case, the street scape would fund the replacement trees and we currently don't have funding to plant replacement trees. So, in a roundabout way of trying to answer that, do we have an urban forest plan?

We've identified ficus trees for

removal over a number of years. It feels like lately we've had a

bigger bump in that and Octavia

is one that will come up 24th

street in the mission. It will be -- we'll be here a lot and it's going to be difficult.

>> taking from your own book and to put you on the spot, if we're seeing a lot more of these trees removals, I want to have a little more information. Taking one from your book, is that how long is it going to

take our con owe pee to get

canopy to get mature to help our environment.

>> absolutely. >> just one thing to add to that

is that for sure, I mentioned at a previously hearing we have a full-time public information

officer now and we are -- where

we initiate a lot of ficus tree removals, we will schedule a public meeting. It's a common courtesy to start that process with as much information as possible.

>> roughly how old are these and

what would their expected life expectancy be? >> sure.

You know how much I am

I am challenged by age.

These trees, they could be 35, 45-years-old.

A lot of ficus were planted in the early '70s.

It could be late '60s. The urban environment say moving target. Big cyprus tree in the middle of

the park has a better chance. I would say life expectancy

moving forward on these is -- we're impressed they haven't failed, right. That's our takeaway as well.

We're evaluating these trees for the first time ever.

And a look at the problems it's our takeaway.

So I couldn't give you how much more they have left.

We wouldn't want to risk that.

>> I'm just -- I still remember

75 howard when we took out those ficus on that block.

>> **President Fung:** who is

funding 16 street scape plan?

I believe mta funds the street

scape plan or they're the project lead. We have public works, landscape works and project managers that

work with them so they know those answers. But this is a project that's

being led by the mta.

Again, in parallel with that is

our implementation of street

tree sf so we've been looking at these trees for a while as our own bureau with what are we

going to do with these trees?

So, I would say that both, we've been dealing with both projects simultaneously and there's internally been a little bit of, who wants to be the lead on this

tree removal.

>> **President Fung:** so, if

they're funding it then they

would be responsible for the replacement? >> in this particular case, we're going to initiate the removal of these two trees separate from the project.

The public works would cover the removal cost. And we're hoping to then ask

them for the funds to plant

replacement trees.

>> but is your review part of a regular review or based on a request from M.T.A.?

>> so, both are occurring.

We reviewed it as part of the

project and after that we also

had a routine inspection. We looked at these trees a year and a half ago. Proposed to move along the entire corridor and we said ok, this is what is occurring out

here we're looking at maybe 61 trees. That process takes a long time.

Things sit. There's a number of community meetings that occur on other parts of the project.

But during all that time, it brought our team out for routine inspection so these two trees, there's a few trees on 16th

where we're not waiting for the street scape project to move forward, we're just initiating the removal on our own because

we don't want to wait. >> since you are not certain about the source of funding for

the replacement trees, does that jeopardize them being replaced as soon as possible? >> no.

We would prioritize the

replacement of the trees in the location.

We have limited funding for planting. Where we have funding from another course we would

certainly tap into that.

But 16th street trees of this size, we heard from the community.

I wondered what goes in there. Now I found out.

It was a very loud and unanimous

and about the loss of the con owe pee. We're going to make sure the trees are replanted.

It's three trees adjacent to the building. >> rough timetable? If you were able to cut these down next Monday, how soon after would the replacement be?

>> our urban forestry ordinance

the code allows us six months.

We would do that in a much shorter turn around time. I've been saying three months. I feel like it gives us a little bit of wiggle room.

It's challenging any time you roll out big equipment on 16th street.

>> thank you to commissioner Lazarus for setting me up for a further question.

You know, I hate to break it to

you but dpw has a lousy reputation according to testimony at the very least we

heard two weeks ago on replacing

trees and there was testimony

two weeks ago that I can't

remember the location but the

same and I'm not doubting your intent.

I'm not doubting your words that they would be replaced in six months.

And, also, what is confusing for me is that you just double spoke on me.

Did you say your funding is

coming from M.T.A.? >> funding to remove the trees would not come from the M.T.A. For these two trees? >> but you then said we have no money to replant trees? We have no funds to replant trees. I heard you say that. >> correct.

So it is public record and we totally agree. It's a martha raddatz of

public record.

It's amazing one positive thing

that happened on that date two

years ago. It went through with no money for new trees. I assumed it was going to

include replacement trees and we wanted the public to know we're committed to maintaining existing trees. It's not a matter of will right now. We've put in a number of grants for a million dollars here and a million dollars there to get the

money for planting. The planting will come.

We don't have funding currently. >> did you hear that I was going

to win the lottery next week?

I heard a rumor.

>> the feedback is, we're aware of the problem of the

replacements and I have said to our team, we're implementing proposition a.

We knew we were going to come across removals. It's not a good time to not have

the funding to plant replacement trees. To me it feels like there's so many other issues to focus on

than the replacement. That's should be the easy part. I take your feedback and that's

a big problem we're trying to workout. >> here it goes, so I have a

question for you.

So, we believe you.

All right.

And I'm not saying that I believe you, but we believe the structure of these trees is bad

and we believe that these pose a

danger and we believe that as

professionals, your guidance is correct. We deny the appeal and we believe you that you are going

to up hold

hold the law and replant the trees in six months.

And then six months goes by and we drive by that street and it's

as naked as the day is long.

How do trust D.P.W.?

How do we hold D.P.W. Accountable because this is judicial body, as you know.

How do we hold D.P.W.

Accountable for keeping the truth? And replanting. Without proof today, because you

are telling me that you have no money. >> sure.

It's a great question. So 16th street -- >> it's a concerning question.

>> it's a major transit corridor.

We're not going to allow site conditions to be out there where people will be tripping.

we just can't do that. It's going to mean making decisions about other sites. There May be sites in other parts of the city that are quiet

and they're not at the corner of 16th and mission.

So we're going to prioritize

replacements as necessary. And we are just being honest about the funding. I do want to clarify, it's not

the will, it's just the money is not there. >> I understand. I totally understand.

>> the other question leading to that is, what seems to be a

pattern of behavior is we're going to do this.

We promise you that.

We know you are upset constituency who is protesting. We understand the upset

neighborhood about the deforestation but we promise we'll get these trees in in six

months and it's just a

well-intended bald face law. Why should we approve -- I'm not doubting that what you are

saying and I'm not calling you a

liar, all right. Why should we know a pattern of behavior that hasn't reached

fruition of replanting and tied

into that, is there a way which

you can mitigate the situation.

That is to do a significant

pruning or otherwise of the

trees in the meantime and then

when you have funding, pull the trees and know that you are

going to replace them with 24 or 36-inch boxes?

>> so, regarding the -- there have been recent cases.

There was one 1801 filmor remove al of trees. there were two that weren't replanted yet.

We committed to replanting those

trees in a short-turned time. We are living up to the obligations. There's a lot of cases that

don't make it to board of appeals. On church street, the middle school there, we avoided board of appeals because we committed

to the community to plant replacements within three months or less.

We worked with the supervisors' office and we made that happen. There's a lot of success stories that, unfortunately, aren't

brought up before you.

We are planting replacement trees.

Are we doing all of them? No. And when we remove trees and

it's high-profile, murphy's law, do we have some replacement tree

issues out there? Yep.

Public works would never lie.

>> **V.P. Swig:** I'm not saying that you are lying.

You are unfortunate victims of bureaucracy and wishful thinking. >> we've never come at any of our hearings to say whether a public works hearing or board of appeals to say we're going to do this and not deliver on that. A lot of the trees that people

are complaining about are trees

that never part of a hearing and

so I think going back, regarding mitigation, it would certainly

make things a lot easier if we

can plant replacement trees. We do have funding.

I mean I don't want to go into specifics.

we have funding to plant some replacement trees. Where we're getting hammered by the public is well,

you haven't replanted all of them. Certainly anything that comes to the board avenue peels will be a priority.

The question is how do we really know? We don't want to hear back that these don't get replanted. We're going to prioritize cases that have come both at a public

works hearing and board of appeals.

So that's what we're going to do.

>> **V.P. Swig:** final question, I

hate to do this to you, but there's a bun of of people in this room who are upset at the situation so I'm trying to

figure out a way to send them

off pissed off at least with some hope.

If in deed we go in that direction.

What surety, how can you return

to the people in the back of the

room and what surety can you

give them that if we find in

favor of your recommendation,

what surety can you give them

that in fact that you are not

blowing smoke, innocently. And they will have tree replacement this is a maximum of six months? >> sure. The first thing I will do is

confirm with the street scape

team if we can use funds for

those planned replacements for these trees.

If they say no, then we're going

to find the money and do it.

Or ordinance requires replacement trees be planted within six months of removal.

if we hold a property owner to that we need to up hold and

follow it ourselves.

I think the greatest reassurance I can provide to the public and

to you as a commission, is how much we really don't want to

come back and have the lack of replacement be any part of the narrative. It really is that simple.

I mean, it just would be self-sabotaging of the

department if that's what it is.

>> **V.P. Swig:** do you think it would be a good idea for us to kick the can a little bit and postpone a finding on this to

request that you come back here

with paperwork that says, we got

the money and we're going to do it?

>> we can make -- we can plant, replace the trees on 16th street

at this location. We absolutely can. We have the funding to do that.

We'll do it within six months.

We're fully committed to that.

>> **President Fung:** or is there another option.

>> **V.P. Swig:** you know where I'm going with this.

>> we still have public comment.

>> **V.P. Swig:** yeah, I understand. Thank you, sir. I appreciate it. >> is there any public comment

on this item? If you are here for public comment, I would appreciate it if you lineup against the wall or move forward so we can move

the process along.

Please make sure, after you are

done speaking, to give gary a

speaker card.

Thank you.

[Please stand by]

>> -- and the functions that

they serve, I think that we

really need to either have you guys postpone this until they can come back and work with the community and really give us with some guidelines of what

they're actually going to do or to have you guys specify the

size of tree and the method of

which the -- they get planted.

Thank you.

>> good evening.

Peter papadopolous with mission

economic agency. And I also work with some spaces in this building as a volunteer including a small theater, and I have a tiny office in the building, as well. These are obviously critical

trees to our building, and I

think as acknowledged, there's been a loud and unanimous response to the idea of removing them. And maybe they do and don't have specific pressing health issues.

I'm still unclear after the presentation, but certain

things that we do know, this

was flagged as part of the 16th

street project that's going forward -- or maybe it's going forward.

It was done by any kind of outreach.

It's another red lanes project

as another main core of this project. The mission street core project was devastating to the

community, and this project has mass objection for obvious reasons.

The tree removal plan just

sounds so far fetched.

To remove 61 trees while you

dig up this corridor and put in red lanes.

The opposition is widespread

from district ten through district nine is going to bring

forward a lot of points about

how this needs to go through a

community process, everything

from trees to do we really need

red lanes here, if so, what is the function?

How are we taking care of businesses this time around?

What about the cultural change? We saw an enormous cultural shift in terms of what happened when you turned mission street as someone called it a bus

super highway from a family shopping corridor.

These kind of trees, to go back to them specifically, are a

huge part of the presence of this building. Everyone acknowledged it.

Supervisor safai expressed concern when he saw they were being chopped down.

And you all are having a little

bit of concern is there

funding for this, and is there

something to replace it?

We'd like to maintain the

shading, maintain the windbreaking that it does. So for all these reasons, you can send a message that in terms of process, if this can be brought back to some kind of

clear process, that it's been

funded, that the community's

been checked in with. This is no small thing.

This is going to change this corridor a lot as part of this whole large-scale transit project that they have planned. Thank you.

>> **clerk:** thank you.

Next speaker, please. >> good evening.

My name is lucia obregon. I'm not going to bore you with

the benefits of having mature trees in the neighborhood, but each year, one tree produces enough oxygen for ten people,

and trees also help reduce the stress of the residents around it.

And you can imagine in the mission, a neighborhood

constantly in threat of displacement, how beneficial

this is, in terms of stress.

To ask to cut down 61 trees is a threat to life.

It's not a coincidence that all 61 trees that they want to be

removed are all along the

corridor, which where the red

lanes are being planted -- being built.

This is about an eco system that these trees are being part

of, that the mission is

constantly being disrupted

without input from the community? And what I'm asking of you is

to be an ally to this community

and hold this process of cutting down these trees. And now , I'm not asking you to cut down these trees based on their condition, but I'm asking

you to hold this process until

the sfmta considers an equitable process and the

community can be taken into account, and they can decide

what transit measures they can take for the community.

Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** next speaker, please. >> good evening.

kelly hill with united to save the mission.

I just wanted to say thank you to Mr. Buck. He's always been very receptive when we've contacted him in the past.

I think we need to look at this further.

The socioeconomic impacts of this red line -- impacts of

this red line coming down 16th street. They haven't engaged in community outreach to see what

these impacts are going to be.

Mission street has suffered greatly.

These types of improvement projects actually only

exacerbate displacement, gentrification. These are issues that are

hugely in the forefront of our community.

As great as property, for years,

the city did not maintain the trees. It was up to property owners, and now, finally, we're going to get that. It's hard to look back and

catch up on that, but now, it

seems a little bit too late, and we hope

n't want to see these

trees prematurely taken down.

I do appreciate commissioner

Swig's comments of maintenance or something coming back.

I think a 36-inch tree is too small. Something like a five-foot box,

we have to be looking at issue

of tree replacement, 61 trees,

and what that's going to do to

a neighborhood. Recently, the M.T.A. Was at a

neighborhood committee meeting, and supervisor Safai was concerned about the lack of outreach that the removal of 61 trees in two different districts was going to have on the community.

I think we need to delay this a little bit more come, and come

up with an idea that's going to work. Thank you.

>> **clerk:** thank you. Is there any other public comment? Okay.

Seeing none, we'll move onto rebuttal. Mr. Hough?

You have three minutes, sir. >> thank you.

I think you've heard from the community, and Mr. Buck seems

to be separating these projects

from -- these two trees from

the other 61 and prioritizing. Maybe because you know -- he knows who's in that building

and the push back, and wants to

isolate it to these two trees,

and that should not be allowed.

These two trees are part of this project. It needs to be considered as a whole. The idea of trimming -- and I

saw a lot of pictures, branches, etc., you know?

And I'm sure there's a lot of

branches -- they could take some weight off the thing until they

have a plan for the whole corridor.

If you allow these trees to be

removed, you must require at

least four or five-foot box

tree reason installed, not a 24 or a 36.

It just is not enough to replace these trees.

So you know, I ask you to do

what you can, but I really

think, you know, a full hearing

with sfmta on this whole issue, and don't allow these trees to be cut down on the real issue,

which is the culture of 16th street and the outreach and what sfmta is doing. That's it. Thank you.

>> clerk: thank you.

Mr. Buck? >> good evening, commissioners. Chris buck, san francisco public works bureau of urban forestry. I heard the feedback loud and

clear about replacement trees. Covered a lot of ground on that.

No one wants to remove the tree. Like, I don't go to this site

thinking that is going to be fun.

We'll look at the trees as

arborists themselves. We look at the trees themselves.

They're ficus.

How do they fail? They split apart at the main stem.

I've got so many different examples. Sherman elementary, we've got

four, I think we can keep three.

One of them fails, and it injures a parent.

We're not creating work for

ourselves. That's not what this is about, and I jokingly say I used to

believe in conspiracy theories

until I started working for the city. There are two things going on here.

For sure, there's this M.T.A.

streetscape project. No one denies that.

We also, as the bureau of urban

forestry have the duty to maintain 135,000 street trees. I apologize, but there's going to be two things going on at the same time. Now, will there be a community meeting? Yes.

We haven't posted these 61 trees for removal. I need to let the project

people lead the project and do that.

We'll be in touch with them for sure.

They'll be outreach to the

community, and then, we'll put

notices on the trees. And the moment we put notices

on the trees, I personally had no idea. Everything that I've heard this

evening is sort of news to me,

and the acrimony between the building and the project.

I wasn't excited to hear that, but it is what it is. It's unfortunate, the timing, but I do want to assure everyone we have two things going on simultaneously. We're not going to serialize

the removals out on 16th street.

There's just no benefit to that. I will pretty on the project team to make sure they're doing

their out reach and have a community meeting, that notices

go up on the trees just so

there's more public information. That's all I have to say.

>> Commissioner Honda: I have a question, Mr. Buck. Out of the 6 # 1 trees, are these

the three worst trees out of all 61?

How did these particular trees

get selected because being a

long time san franciscan, 64th

and 16th street are the

pinnacle of that corridor -- and I can see what's coming, but we need to move forward on the removals.

>> **Commissioner Honda:** no, so the question was are these

the -- these the three worst or two worst trees out of the 61 proposed? >> for sure, these are some of the worst, and the others we

posted, similarly, we didn't want to wait around for it.

>> so did you apply for the others or just these two so far.

>> we applied for the removal of ten to 12. Etc. He on family leave right now, bonding with his kid, so I don't have the number in front

of me, unfortunately, but there

are a number that we need we're initiating the removal now.

>> **Commissioner Honda:** is he -- but is this the first two out of these ten?

That's what I'm trying to get to, why these two out of the 61

that were in that project?

>> the project itself, I don't control the pace of that project --

>> **Commissioner Honda:** you're

not answering my question, Mr. Buck. >> well, I'm trying.

So we walk the site. There's 61 potential removals.

Separate from that, I'm the urban forester.

I manage the trees in san francisco.

i've got ten to 12 ficus --

>> **Commissioner Honda:** so the question is are these the first two trees?

>> these are about ten to 12

figus that we've posted for removal.

>> **Commissioner Honda:** is this

the first two out of the ten trees. >> new umerical, I don't understand how that plays into the listing.

>> in the words of yogi berra,

this is deja vu all over again. Two weeks ago, we were here.

We introduced you to each other. We said we understand your point of view, but you have a lot of really open issues here

that the public is owed a plan,

the public is owed clarity, the public is owed every

opportunity for you all to get to introduce each other, get

together in a meeting room and

come up with a more formal plan.

What I'm seeing the deja vu

piece is M.T.A.'s over here doing your streetscape. You're going I've got these

trees over here that are going to go boom and fall down and kill somebody. I don't doubt that, and you want to move forward -- and I heard your pledge, you said

replace them in six months.

But let's say you put redwood

trees in there, right? And then, the M.T.A. In their wisdom said, you know, our

designers say that japanese maple, another bad choice, is

the right thing, but we just

replaced these with redwood trees seven years ago when we were actually anticipating that next year,

you were actually

going to do this project -- I'm saying sarcastically. >> sure.

>> so is there -- and this

really bugs me because there is no plan, there is no coordination between yourselves and M.T.A.

Not your fault, it's M.T.A.

Who's lagging, and you are at

risk of taking some action

that's going to Miss Off some people.

You are taking action to

replace some trees in six months by your pledge, but they

May be the wrong trees, and they May be out of context with the original plan, which is

going to open up another can of worms.

So I'm going to go back to --

and this is what bugs me.

This is dysfunction city,

department dysfunction at its worst. And I'm not blaming you, but looking at M.T.A. About this, but worried because this is

going to fall on your shoulders

and cause you a big problem. May I ask you, regardless of your pledge that you were going

to replace these trees in six months, but in consideration of

my concern that you're going to

replace them with something

completely different, is there

a way to mitigate the situation, mitigate the danger

by surgically applying a

measure to these trees to

postpone their demise, really,

with the idea that it becomes part of the general plan and

you're not redoing work. >> our department wants to address the public safety that

these trees present. If the board or commission

seeks to continue the item to get additional reassurances,

I'd prefer to have that --

>> Vice President Swig: you're not answering my question. It's a yes or no question.

Is there a way to sustain these

trees in their position until

there is more clarity of the project and surgically adjust

them so to mitigate some risk

of health endangerment at this

point, yes or no?

>> there is, but public works isn't going to be willing to do that.

We'd prefer to continue the item and provide any additional

information that the public

will need to facilitate replacement. It's a huge undertaking.

It's going to be double the cost.

>> **President Fung:** let me interrupt a little bit.

>> **Vice President Swig:** sure. You can take it.

>> **President Fung:** and perhaps

look at it from the point of

view of a similar situation,

different department.

Quite a while before there was

a heavy rash of residential demolitions, but no excitement.

So now, it's standard practice for both building and planning,

if you have a demolition permit, it's held in abeyance pending the full entitlement of a replacement. I mean, isn't that something could be done here, pending,

whether it's the entitlement of

an overall plan or whether it's funding? >> the condition of removing

the trees would be absolutely

committed to replacement if

public works doesn't have the

funding to replace the trees, don't remove them. It's additional language that

could be expressed so the

message is clear and strong.

>> **President Fung:** and

hopefully, as you're saying, the time could be relatively short.

>> **Commissioner Lazarus:** I have a couple other questions.

>> **President Fung:** no, go ahead.

I was just trying to see if there was another way of dealing with this.

>> **Commissioner Lazarus:** so I just wanted to clarify. There was a hearing on this in late October, right? >> correct.

>> **Commissioner Lazarus:** and what's the outreach in terms of notifying people of that hearing? >> so we -- our ordinance

require that we post 30-day notices on proposed -- trees that are proposed for removal, so that's what we do.

And I -- what's interesting is this is where I think sometimes

I ask for people to be understanding.

I don't keep track of every

project in the city. 125,000 street trees, sometimes

we go out and we walk into a hornet's nest, and I don't do that intentionally. I hear some confusion from the public, like, it's just too

planned. No, we go out there, and we go hey, these trees are really bad.

So 30-day notice, and then, we received a protest. so then, we scheduled the matter for a public works hearing.

So we did have a public works hearing.

>> **Commissioner Lazarus:** and I

think similar to another case a

few weeks ago, have you

analyzed what the largest possible tree replacement would be? Whether it's two or three.

>> I looked out to see the number of trees were planted at

the site?

There's definitely remove for three total trees, the removal

of two with a replacement of tree.

We hear the concern about the number and the size.

We can't replace these trees in

the next 20 years.

>> **Commissioner Lazarus:** right.

But, I mean, is 36 the maximum

as far as you know? >> I guess my concern is that

public works is not seeking to

replace for any other reason

another public safety. I'm trying to address public safety. I don't want to come in here

and overcommit to we're going

to restore the canopy.

>> **Commissioner Lazarus:** yeah, I understand.

>> yeah, I'm just a little worried about that. We are still investigating

about what can be done with

2465 vanness, the largest

possible size.

>> **Commissioner Lazarus:** okay. Thank you.

>> **clerk:** anymore? Okay. Thank you. Commissioners, this matter's submitted.

>> **Commissioner Honda:** I'll start. What a surprise, huh?

As was mentioned, we recently

heard a bunch of cases on trees.

To me, I am not supportive of these trees being removed.

We just had a conditional use

authorization for trees to be

saved, and it was ordered that the trees be cut down. I am not supportive of tearing these trees down.

At minimum, I would support a continuance.

I mean, sorry to continue, but

the department says they have no money.

The problem lies not with the department, but with proposition e. That legislation was made to

support these trees, but no

effort was made for replanting. I love how legislation was made and no one considered the sunset of these legislation.

We've recently heard in this

very room how often D.P.W. Has promised to plant trees, and

years later, there's no trees.

>> Vice President Swig: so --

I'm not going to have the argument with my fellow commissioner, because I could go along with this.

My concern, Mr. Buck, is this.

Why I'm spending so much time on this, this ain't going to be

the last time, so you just

identifies 61 trees that are candidates for more

conversation, and where there's

61, and another 61 and another 6 is 61.

This is why I'm belaboring the

point, and not you and D.P.W.

What I would like to see D.P.W.

do in situations like this is

knowing the sensitivity of the neighborhood, knowing all the things that we put you through

on a weekly or biweekly basis, it seems.

What I would like you to do is we've got two trees that we've got to tear down.

We don't want to tear them

down, because we love our

trees, but they're a health risk. These trees are part of a much

larger picture with regard to M.T.A. We have consulted with M.T.A. They had a plan.

That plan is going to continue,

replaced with certain trees

because they are of a certain architectural type.

This is what we're going to

replace them with, the largest possible, and here's what we're going to do.

If you come in and say that, you're going to get my support, unless I think you're crazy and

shouldn't be taking down the tree. I believe you're telling the

truth, as you always do, and they do present a health hazard, but it's so out of context of everything. It's so arbitrary. There is no plan.

There's no reference and no cooperation with M.T.A. There's no suggestion of how big a tree, what we're going to do and where the funding is going to come from.

How can we support you when

you're not wrapping up with a firm ball of comfort, and you're not. So darryl's suggestion is good

enough for me, but -- or we can

just kick the can, say let's hear this again when you've got more information in a similar

fashion, again, deja vu all over again. Again, come back with someone from M.T.A., tell us about all

the 61 trees and how these trees trees fit into it, and just

proactive initiative.

That's all.

>> Commissioner Lazarus: I'd wait to see what gets proposed,

but I do not want to be associated with these two trees being a suspicious pair or we've heard time and time again about the department planting

trees when they said they would.

I think there was one reference

to that at a hearing a couple weeks ago.

I think we've been given information about how things don't come here because they get handled properly. I don't wish to lay a major

case out here but to deal with

this particular instance.

>> **President Fung:** you know,

the -- I'm not sure that M.T.A.

Will listen to us any way, but they are the deep pocket,

although they seem to be running over budget on all their projects.

>> **Commissioner Honda:** they're

doing such a great job on vanness.

>> **President Fung:** as you'll

recall, vanness was piecemeal to us. And so when you're dealing with

a -- an appeal of a couple of trees, but you never see the

entire picture, it's one thing.

But however, the question is really not so much these two trees.

I think the appellant and others started with wanting to

save the trees but then wound up talking about replacement

size, more of a concern with an overall plan and everything. I'm looking at it just purely

on the basis of this permit itself for two trees,

recognizing the issues with the

figus, but also the fact that we need renewal.

So I'm supportive of the department taking down trees that need to be replaced. I think we can condition it so

that the demolition occurs when

they have full entitlements.

>> **Commissioner Honda:** so how

would you condition that, Mr.

President?

>> **President Fung:** I think you

would demolish when you have

your conditions in place.

>> **Commissioner Honda:** would you support it or condition?

>> **President Fung:** I would condition.

>> **Commissioner Honda:** I'm not

supportive of that, I'm sorry.

>> **President Fung:** you're not supportive?

>> **President Fung:** I would actually deny the permit on the grounds that the property

notification was not done.

>> **Commissioner Lazarus:** I can't support that.

>> **President Fung:** okay. But is that a motion?

>> **Commissioner Honda:** I'll make that motion.

>> **President Fung:** okay. Let's vote on that.

>> **clerk:** so we have a motion from commissioner honda to

grant the appeal and overturn

the public works order. On what basis?

>> **Commissioner Honda:** on

proper notification was not given.

>> **clerk:** proper notification was not given. Okay.

On that motion --

[Roll Call]

>> **clerk:** okay.

So that motion fails.

Do we have another motion?

>> **Vice President Swig:** I'd

like to postpone action on this

item, a very short window, so

that Mr. Buck can come back.

>> **Commissioner Honda:** the department.

>> **Vice President Swig:** Mr. Buck can come back on behalf of the department and provide us more clarity on the project. That is the type of trees, the

size of the trees, and where -- where the money is coming from,

at which point, I would -- at

that point, I would make a

motion to uphold the appeal on

the condition the permit be

issued with those three

elements in place.

>> **Commissioner Honda:** how long of a continuance are you looking for?

>> **Vice President Swig:** so that's a continuance?

>> **clerk:** okay.

And when would you want to continue it?

>> **Vice President Swig:** when do we have time for --

>> **clerk:** I guess that depends

how much Mr. Buck needs?

We can put it on the 20th.

>> **Commissioner Honda:** I won't be here on the 20th.

>> **clerk:** okay.

So we have a motion from vice President Swig to continue this matter to February 20.

On that motion -- for the

purposes of -- so the urban

forestry can provide clarity on the project, more specifically,

the funding source, and what the trees will be replaced

with, the size and species. Okay.

On that motion -- [Roll Call]

>> **clerk:** okay.

So that motion carries, and the

appeal is continued to February 20.

>> **President Fung:** Madam

Director, let's take a short break.

>> **clerk:** okay. We're going to take a short break. Thank you for your patience.

>> **clerk:** welcome back to the

board of appeals February 6, 2016 meeting.

We are now on number seven.

Subject property is 33517th

avenue, protesting the issuance

to Cynthia Lo of a site permit,

horizontal permit, add bedrooms

and bath, add interior stair,

add family room at second floor,

add master bath on third floor.

-- master bath on third floor, and the appellant has requested

an interpreter, so her time will be doubled. So if you could please approach

the microphone, Miss To, and the interpreter. So it's my understanding that Miss To will be speaking to

you, and then, you will translate, is that correct?

That's why we're doubling her time?

>> Mr. Wo will be speaking to

the board, I'll be interpreting.

>> **clerk:** okay.

Is she going to be speaking english?

>> some of the parts will be in

chinese, and some of parts will be in english.

>> **Commissioner Honda:** you're going to have to hold the mic, I'm sorry, ma'am.

>> **clerk:** she can also stand over here.

It's a lower microphone. >> we needs

she needs to use the projector.

>> **clerk:** well, you can bend the microphone.

It goes down. >> >>. [Through the interpreter]

My name is cherry to, and I'm

presenting this to the board.

It's about this coming through my window. Mike, my neighbor, is saying

that I'm here in front of the

board to ask for money. Money is not an issue here.

I'm in front of the board to

ask my sunshine, my fresh air,

and my view back.

I don't want my tenant to

complain because I do have

tenants there. It's not an issue of the money, it's about the work.

If you give me the money, I'll spend me the money on the work, so you might as well just you

spend the money on the work yourself. There was an 18-page document

that was sent to me on January

30, and it went to my junk

mail, so I didn't see it until

yesterday, February 5. So this morning, I came to the

board of appeals on February 6

to ask for the 18-page document. I don't have a printer. I do have a camera at home, so

i have to go to the library to print it out.

It's very inconvenient. That's why I went to the board

of appeals, asking for the 18-page document.

And I asked the board of appeal exactly what the plan is 'cause

I didn't understand the plan. And the board of appeal wasn't

able to tell me, and they

referred me to elizabeth white

at the department of planning. Elizabeth was busy, and she

just asked me to call mike because mike is the person that made the planning, and he would be able to tell me what the

plan is because she didn't know.

Mike was very upset, and he told me I'm wasting his time

and money, and he told me for

sure I would lose the case.

And he asked me to not even

appear in front of the board.

And the issue is I didn't

understand the plan, and if you

explained it over the phone, I wouldn't understand, I would

need to see it in person. Mike said I'm a veteran, I should be able to understand it, but it's technical.

It has nothing to do with being a veteran.

He said that I'm here for money. I am he not interested in the money.

The money you give for me, I'll

have to spend on the work.

But from June to October of

2017, I was in san francisco.

And I was also in san francisco

in February 27 to March 18.

And lo, my neighbor told me that there was a letter about

something that was delivered to

me in December.

Lo sent me a letter.

>> Commissioner Honda:

overhead, please.

Thank you.

>>.

[Through the interpreter]

Lo sent a letter about a

meeting on December 13, but

when I got the letter, it was

already February 22, 2018.

So I missed the meeting.

I had no idea about a meeting.

So -- because he was sending a

letter to my home. And mike send me an e-mail regarding my rear window on

March 30, 2018.

And I was actually grateful for my attorney being concerned

about my rear window. And the attorney was referred

to me by elizabeth.

So I showed them the letter and

my e-mail from mike to my

rental agent, you u, April 2 'cause I wanted to figure out

who exactly michael was. And my rental agent contact the

city, and there was no update.

So there was a note from -- on

February 9, 2018, from peter

from department of building inspector. And peter presented us with a

notice of violation on May 8, 2018. And we went very quickly to correct all the corrections

that needs to be made. And now, we received a permit

for a rear window on May 21, 2018.

It's the window that's already existing. We bought the house when we

were about 20 years old.

The house was the way it was.

We rarely stepped into the

house where the window was into

our 20's because we were busy

with work. And it was just me and my

husband who lived in the house,

nobody else.

There's no way that we did the window on our own without reporting to the city, and it

was decades ago. Who knows.

That's almost 40 years ago.

I think michael was wrong.

And I was not in arkansas from

August 5 to November 9, 2018.

And there was a building permit

notice on November 14.

And then, I ask elizabeth about

the building permit on 335 on

17th avenue. And business leggett asked me

elizabeth asked me to come to the board of appeals.

>> **clerk:** you have 30 seconds. >>.

[Through the interpreter]

I met lo in 2017, and she was nice to begin with, and then,

she turned her attitude. Because we were not friends

even though we both speak chinese.

>> **clerk:** okay. Thank you. >>.

[Through the interpreter]

Should we ask if we block a little bit of her driveway?

>> **clerk:** okay. I'm sorry, ma'am. Your time is up.

You'll have more time in rebuttal.

When did she realize there was

the 311 notification? I believe she said that she didn't receive it. When did she notice -- when did

she receive that notification

in arkansas?

>> **Commissioner Honda:** okay.

>> **clerk:** can you speak into the microphone, interpreter.

>> I went back to arkansas August 13, 2018.

>> **Commissioner Honda:** okay. Thank you.

>> **clerk:** okay. We will now hear from the

attorney for the permit holder.

>> **Commissioner Honda:** thank you, gary. >> thank you, Miss Rosenberg and commissioners.

My name is mike raifsnyder.

Cynthia is my wife, so it's the two of us that are the permit holders. Now I think what just happened

was we heard about how Miss

Cherry to, the appellant, didn't get notice.

But in fact, I included in my

papers e-mails from her where

she was e-mailing me back even in March of last year, and she

was e-mailing her real estate person, and she was saying, is there any way we can stop this project, so she knew about anything.

With respect to the 311 notice,

we hired a service to do that,

we didn't do it ourselves.

And also -- oh, you know, I

don't want to forget to say that when we were sworn in, I

raised my hand, my wife raised

her hand, Miss To did not stand, she did not raise her hand, for the record.

What I thought this hearing was going to be about was this window in the back. It's not a rear window, it's a

window on the property line. It's a small little window on the property line.

I also submitted with my papers

some plans that Miss To submitted to the building department, and those plans, they don't show a window there,

you see, so she's -- I think she was trying to mislead the building department for the planning department. With respect to her not understanding things, I just

have to tell you that when she

asked my wife and I how to deal

with the neighbor who was a

problem, we responded and she

understood perfectly.

When she asked my wife what color should she paint her house, we had a discussion with her, she understood perfectly. One Sunday morning about 7:00, they were about six workers at her house, and they were with

their hammers, knocking walls down. When we said Miss To, cherry, what's going on with that, why

do you have workers at 7:00 on

a Sunday morning knocking walls down, she didn't understand.

When we said Miss To, why are

your workers blocking our driveway and throwing cigarette butts all over the place, she didn't understand. So they came here this morning, or this evening, and she

says -- I think she's saying

that she just doesn't understand. Another thing I pointed out in

my papers was everything is

available on-line. The e-mails indicate she was

watching on-line, her real estate person was watching on-line. They were communicating with each other. Our site permit was approved. She filed her appeal the very next day. so I don't know if this appeal

is going to be about her allegedly understanding or if

it's what she put in her appeal, and that is this window

on the property line, on the side.

And I reviewed the video of

the -- of the hearing on

January 23, 2019, on 729 de

haro street, where they wanted

to build up and it would block all those windows, and there

was a discussion about how this

is repeated over and over, grandfathering is not something

that's acknowledged by the property department, and

somebody with a project on the

property line, it can't be upheld.

We should be allowed to go

ahead and -- go ahead with our work because we've done everything by the book. Everything we've needed to do we're done.

I'm here for any questions if anyone has any.

>> **Commissioner Honda:** thank you. >> thank you.

>> **clerk:** thank you. Mr. Sanchez? >> thank you.

Good evening, President Fung,

members of the board.

Scott sanchez, planning department. [Inaudible] >> the permit was subsequently

issued and appeal today this board. The proposed horizontal addition is completely code compliant. We have had a string of those types of windows with property

line windows to the board of

appeals lately.

as the permit holder stated,

windows on the property line be protected. The appellant submitted plans that did not show a property line window.

What the permit holder had

submitted was a sketch because they're not allowed to submit

the actual plans, but they

submitted a sketch, and they were correct. The plans did not show a property line window for that top floor. It wasn't misrepresented the windows that were there because if you look at the photos of the rear of the property, it shows only the one window, but

on the plans that they had submitted, there were more windows on the rear. Again, the project is code compliant. We'd respectfully request that

the board uphold the permit as approved and issue. Thank you.

>> Commissioner Honda: just one question, Mr. Sanchez.

In the brief, it shows one window, but you say there's four in the back rear area?

>> well, the photos correctly

show I think what is there now. But on the plans the appellant

had submitted in 2017, they did

not show a property window, and

they had actually shown two windows.

>> Commissioner Honda: just for

curiosity, would that suffice

for light and air, do you think.

>> that would be up to building inspection.

This would meet the building

code requirements.

>> Commissioner Honda: thank you.

>> clerk: thank you.

Mr. Duffy, we'll now hear from D.B.I.

>> commissioners, joe duffy, D.B.I.

The permit under appeal was

reviewed by building D.B.I. And

D.P.W. And planning, as you

heard, so I don't see any issues with that property. The property line window, every

week, we talk about it, Mr. Is not not not

not -- Mr. Sanchez just said. That window wouldn't have any standing because of the work that's getting done, like, next door.

I've said that here before.

I don't think the construction

is going anywhere near. Window.

It's quite a way away.

We got a complaint at the end of last year for this window.

It might be since they started construction, it might have been put in, but I don't think

it was put in recently. But I -- you know, it's

probably better just to leave it alone, and they keep their window, but it shouldn't hold up the project for these people.

I'm available for my questions.

>> **Commissioner Honda:** same questions, inspector duffy.

Does it affect the light and

air and liveability of that room? Skbl I don't think so. Someone said there's two windows in that room.

>> **Commissioner Honda:** and last

question, if it's that close to

the property line, does it need to be fire rated.

>> if it was put in today, yes.

But a lot of them, it could be

put in at the start of it years ago. If it was put in recently, yes, it should be fire rated, but

the age of construction, we

determined whether --

>> **Commissioner Honda:** so it

doesn't have to be upgraded at

that point? Zm

>> it's a case-by-case basis, commissioner honda.

If you change the size of the window.

Ab 009 would kick in possibly.

>> **Commissioner Honda:** okay. Clrk

>> **clerk:** okay. Thank you, Mr. Duffy. Is there any public comment on this item?

Okay, seeing none, we'll move

onto rebuttal, so Miss To has six months to provide a

rebuttal to the board.

>> I'm not really sure what the

idea is.

>> >>. [Through the interpreter]

And my issue is, if you allow the permit, what am I going to do with a hole in the wall?

Now I'm going to spend money to patch the window, I need to

spend money to explain to the tenant. What am I going to do with all the expenses?

I'm not sure what to do. I'm a veteran, I don't have a

lot of money. What if my tenant gets upset?

I have to consider all of that. He can't say I'm a liar because

I didn't stand up and raise my hand.

I was focused on my documents.

I have a picture.

There's a pipe.

So rk woulder told me the pipe -- worker told me the pipe originally wasn't there, and it wasn't there

originally, but now, it's there. The pipe was stuck, it was

attached to the wall, my wall.

Well, he didn't ask me about it. He didn't ask for permission

for doing this.

Now, the pipeline on this is

stuck because appeal now, the

pipe is unstuck.

But he -- when it was on my

wall, he didn't ask me. What do you want me to say?

Am I responsible for all of this? When I bought it, it was a window. Now, it's a hole.

What am I going to do with it?

Now I need to patch up the hole. It's my responsibility, it's a

lot of money. I'm not a liar.

There's no need for me to lie.

My girlfriend was trying to deliver --

>> interpreter needs to clarify. >>.

[Through the interpreter]

My girlfriend tried to deliver

papers on December 17. It was really rainy, really windy, really cold. It was the worst weather in san francisco in 11 years, and she went to the door, he wouldn't answer the door.

He was walking around inside. I told my girlfriend to just call him because I told her

that you're a woman, so he might thought that you were a

man and there was danger to

him, and since you're a woman, you can just call him, and he

was just walking around the house. And fortunately, my girlfriend was able to squeeze the letter

in under the door to the house.

And now he's asking me to go to

mike and ask him what the plan is. And today, I called mike, and

mike was telling me that you

only want money. Mike said you better not appear in front of the board.

>> **clerk:** okay. Thank you. You can be seated. Thank you. Okay.

We will now hear from Mr. Raveschneider. >> okay. Thank you. I'll be very brief. I haven't seen that picture before about the pipe. I have no idea what that is. It's certainly not part of the appeal.

With respect to the tenants, I saw one of the tenants on my way here. She's a very nice person, she didn't say anything to me about the appeal or the window or anything. There's been no documentation or testimony from any of the tenants about that window.

In fact, that little window in the back, Mr. Honda, you said something about four windows.

I was talking about a totally

different hearing that I -- I

just watched on-line where there were four windows.

>> **Commissioner Honda:** no, I know which hearing you're speaking -- or references. >> okay. So I don't know that the tenants care.

When I look out at that window, it's always closed, always. The only exception is this

evening, it was open when I looked out.

Oh, Miss To said she's going to lose the window. I don't think anybody said anything about her losing the window. I think the building department

said it was okay, and the

planning department said it was okay. So I don't know where she gets that.

The business about my door, the agreement was she was supposed

to have papers delivered to my

office at union square, and instead of doing that, she had somebody go to my house, and of course I'm not going to answer

the door at 7:30 at night. So if there's any questions,

I'll be happy to try and answer them. No? Thank you so much.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. I'm sorry.

There's no further comment.

Mr. Sanchez? Okay.

>> **Commissioner Honda:** are you relinquishing your time?

>> like to speak for planning -- no, I don't.

>> **Commissioner Honda:** no, I don't.

>> just if I could have the overhead.

so this was in the brief, and I think this clarifies everything, and what the

gentleman just said here, there's no one here telling the appellant they're going to lose the window. That's the window there, and there's no new construction going against it.

Even if there was, like, that's

worse, so best case scenario, that window stays. The permit holder said he doesn't care about it, so I'm not sure what this is all about. She's -- the lady explained about a hole in the wall.

I don't get that part. I'm not sure. There's photos in the brief of

a window -- is it a legal window?

Probably not, but as I said earlier, if it was existing at the time of construction, you

just -- it's -- it's there, and

it's not impacting this

construction, and the people that are going to do the construction are okay with it,

so that's it. Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. Commissioners, this matter's submitted. >> President Fung:

commissioners? >> Commissioner Lazarus: barring any discussion, I would move to deny the appeal and

uphold the permit -- appeal and

uphold the permit on the issue it was properly appealed.

>> **President Fung:** actually, I'm not sure what the issue was. when I looked at it, the window stays.

So there's no more comment, ma'am.

Would you make a motion?

>> **Commissioner Honda:** yep, that was the motion, I think.

>> **clerk:** okay.

So we have a motion from commissioner left side arecess

on the basis the -- lazarus on the motion the permit was properly issued. On that motion --

[Roll Call]

>> **clerk:** okay.

The motion passed.

On that pel, the -- appeal, the appeal is denied and the permit is issued.

Okay.

Next item is --

[Agenda Item Read].

>> **clerk:** and we'll hear from the appellant first. You have seven minutes.

>> okay. My name is kathleen tracey.

I've lived at 2445 turrey street for 16 years.

This approved permit was

submitted by appellee, my

neighbors at 2345 turrey street. They were asked to legalize,

modify or remove unpermitted windows. When I saw that their permit to correct the notice of violation

was approved, I went to record management to view the

submitted plan and permit.

I became concerned they were

circumventing the system again

and legalizing windows.

The architectural drawings were

showing that they were lying about the lot line windows.

I ask that the suspended permit be modified, that it include

all lot line windows adjoining

my property, not just the above referenced two.

There are a total of six windows. All of these windows need to go

through the process of legalization, modify or removal. Currently none of these comply with fire safety and most importantly pose a fire hazard

to my property and my family.

The fact is all six lot line windows should have gone through the permitting process

back in March, when my neighbor received their first notice of

violation for unpermitted windows.

This was a notice of violation that they received.

I'm just, like, surmising it --

and this was March 16.

Windows replaced at rear facade and north elevation are to exceed the scope of permit, blah, blah, and blah, blah.

There are a total of 19 windows replaced.

Corrective action: obtain building permit with proper approvals for all windows replaced.

So then, my neighbors -- oh, and I want to just show you the windows. So they talk about the rear

facade of the 19 windows.

This is the rear facade.

These windows are also the rear facade, but these are the lot

line windows, so there's four right there. These are also lot line

windows, but these are part of the north elevation that was on

the permit, and then, these are

also the north elevation windows, and these are visible from the street. Couple days later, my neighbor files a permit to comply with the notice of violation.

This is what they filed.

It says, to comply with notice

of violation, you factor.32 max, approval previously installed fiberglass windows on rear of building, work

completed, not visible from street.

This ignores all 19 windows that were cited. Most importantly, the six lot line windows that represent a danger to my home and my family.

I want to show you why I'm so

concerned about these lot line windows.

So this is a survey -- did I not do it right? I'm sorry.

This is a survey we had done on

our house in March of 2017.

So first, just looking at the picture, this is hi house.

This part with the red arrow is

1.25 inch on my property.

This blue arrow, this second

part, is.625 inch on my property.

So with regard to lot line

windows, it applies to all --

current code applies to all new windows.

All of these windows are within zero to 3 feet of my house.

They are not permitted.

Four of the windows are on my property, two of the windows

are within 12 inches of my property lines.

These windows are not to

building code. I also want to call attention

to what I believe is the most hazardous of these lot line windows. This windows is operable. They keep the window ajar.

It is not fixed with fire rated

glass, it does not have sprinklers.

I cannot find anything that says electric to code. It serves no purpose other than to look into my house. This is a reckless endangerment on my house.

My neighbors keep avoiding the

permit process to ensure that windows are per the building code.

While I agree with the original

and current N.O.V., it is the six lot line windows that tern me the most. To ensure the fire safety of my

home and family, I am asking

the appeal board to modify the permit and include all six lot

line windows, so that these windows can go through the

process of legalize, modify or removal. And if I have a few more minutes, I just want to kind of talk about the rebuttal that I received from the attorney and

just briefly touch on this. One of the comments they made

on this, of which 16 were installed, many of with issued

permits by owners of the property. They -- they didn't include the permits.

I pulled an r-3 report. There were no permits that were

pulled for previous installed windows.

>> **President Fung:** you'll have three minutes of rebuttal following this.

>> okay, yeah, I'll just do it then.

>> **Commissioner Honda:** you

indicated you lived there for 19 years.

You didn't have a problem with them for the last 18?

>> no.

>> **Commissioner Honda:** and were they different neighbors? >> oh, they're different neighbors. I want to point out that the

window I find the most hazardous, my neighbor never

used that part of that house.

Those two rooms are not insulated.

It was shut off, there was a curtain, I never saw that window.

>> **Commissioner Honda:** okay. Thank you. Thank you.

>> **clerk:** okay.

We will now hear from the

permit holder.

>> my name is alice walker,

representing Mr. Bromaci.

What you see is the window that

was permitted prior to the windows before you, the 19 windows she talked about. When they purchase this home,

all the window except for these

two window were already in the building. They took our permit when she

complained to legalize all 19 windows.

Let me say 17 windows.

I take it those two are fine.

Those permits were issued lawfully. She did not appeal the permit.

Now she's trying to bring all the windows into this permit,

and this appeal, which is two windows. Those two window, we will

acknowledge that one of them

was existing.

they had enlarged it, and then, they put a new one above it.

The issue before you is whether this was approved by the department of building inspection or whether they should be fire rated.

Because of the fact that the

window is not absolutely perpendicular, 90 to the property line, the question is whether it should have been fire rated windows.

My client is perfectly agreeable to replace those windows with fire rates window

if that is what the code require.

I would just mention that in the past, the planning code have a provision -- I mean, not

the planning code, I'm sorry.

The building code had a prifg

that if the property line is at

angle or maybe it's less than

that, that the window can be perpendicular -- will be

treated as perpendicular, but

in the new building code, that that's gone.

I cannot find it.

So we will do whatever the building code ask us to do.

If not, we would ask the board to issue a condition of approval that the windows be

put in -- that they should be fire rated.

But all the other windows that

she talked about is not before this board. In fact, they were lawfully approved, legalized, and she did not appeal it.

>> **President Fung:** counselor, are you finished? >> thank you.

>> **President Fung:** are you finished? >> yes.

>> **President Fung:** what is your

response to the survey that the wall these windows are in are over the property line? >> first of all, on the survey,

we going to be doing that, and

on -- this building was built in 1930, and all the property line windows were put in way before, and they were -- some

of those windows actually have

permitted, and as this board

know, in san francisco, when a

building is built in the 1930's

or before, even in the 50's,

sometimes, they do encroach on the property line.

We will have to go and do a

survey, and if there is an encroachment, I don't think

that it's the proper subject matter for this board to determine that it's something

to be removed, that it's something we can talk to them about, some kind of -- that is something that should be

addressed by the court if they

wanted it removed.

>> **clerk:** okay. Thank you. We'll now hear from the planning department. Nothing? Thank you. Okay. We'll hear from the department

of building inspection. Request.

>> commissioners, joe duffy, D.B.I.

Probably be better if I used

the overhead again just to have

the drying on the overhead.

>> **Commissioner Honda:** I like paper.

>> I printed it today off our

paper version.

As you can see, it is a very odd-shaped property line, and I

just marked up the windows in

question are on here, which is

not on the property line, but

perpendicular to it. And just real elevation, you've

got an existing window here,

and then, we've got -- this

one's enlarged, and then, we have a new window above it.

Now, it's actually a very good code question because you could test a lot of inspectors on

this one. I do believe from my toerpgs interpretation on the code that

I believe it should be under ab 009, which I haven't talked about in five minutes.

They probably should have been

45 minute ab rated windows. And follow the code.

It's -- and I ran that by another colleague at D.B.I. And I'm just getting his opinion on this.

We didn't get this approved on

this permit.

We did it as regular windows.

I think the young plan checker

just missed it, but you know,

they definitely should be 45-minute rear windows.

The other windows that the appellant is referring to, in

my opinion -- let's move it up

a bit -- over in this part of the building, and there's one set back over here.

Well, they seem to be far enough away from property line that they don't need to be fire rated based on these plans and elevations.

They're not part of this appeal.

There was a permit issued by

D.B.I. And completed.

There was 16 windows, as you heard. the planning department don't have much of a say on the approve.

D.B.I., whereas you can put in

what sort of windows are historic.

At the back of the building, we

allow vinyl windows that are

not on the property line and just at rear elevation. I think that's all.

If you have any questions, I'm happy to address this.

>> Commissioner Honda: I have one.

We just had this particular case recently where there's a

property line in dispute and there's one survey done.

How do you issue a permit if it's encroaching? >> the survey, we didn't get a survey on this. There's no survey there, but that's a civil matter.

We refer those to the courts,

to honest with you.

>> President Fung: I think his question is can the department

issue a permit for one property when it straddles another property.

Isn't that your question?

>> **Commissioner Honda:** I believe so.

And I believe you answered it --

>> yeah.

If we got a survey, we could present it to the permit holder

and say we're in receipt of a

licensed survey, and go speak to them, get this figured out.

There are ways to do that. And if the -- they don't agree on that, there's a possibility

that the windows would have to come out. We refer disputes that are down

to a matter of inches to the courts.

>> **President Fung:** understood,

and we've seen them, too.

>> we don't get into that side

of it unless we have to.

>> **President Fung:** I didn't understand the question about

perpendicular to the property line. Did you understand that? >> if anything's 90 to the

property line, they don't

require it to be fire rated,

but once you start getting angles, you're getting into that.

We used to -- the code used to address that.

Now, it's a little bit different.

It's interpretive. You've just got to look at each one, but 90 , the property line, the code definitely does not require that.

If that window -- if that was a straight property line going

straight down, like -- if the property line was going down on a straight line there, just continuing that way, everything

on the -- looking at those --

these two windows definitely wouldn't be a problem.

>> President Fung: but what is

the difference between when

that line was straight -- isn't it the distance? >> yeah.

And I think these are less than 3 feet.

>> President Fung: even if it

was a straight line, property line less than 3 feet. >> you'd be okay.

That's the way the code's written. I know.

i've challenged that, too, but it's the way the code's written.

It's tested, jumping over property lines. We're going to go into the property line consulting business.

We've got a lot of them. Okay. Thank you.

>> clerk: thank you. Is there any public comment on this item? Okay.

We'll move onto rebuttal.

Miss Tracy.

>> so they talk about the windows being permitted, like,

when the first 19 windows

were -- the notice of violation

was issued for the 19 windows.

There are no permits correcting those windows. There are six lot line windows.

There is no permit correcting that. They say that my neighbor received permits.

I pulled the r-3.

She did not pull any permits. Those are new windows that are installed. They are subject to code.

There is a window that is on my

property line that is open, and there's no protection. It's not permitted.

They talk about a 90 degree angle. I had a structural engineer look at it. It's a 10 angle that they are.

Yeah, I guess show me prove that there's permits, that these windows have been legalized. I can't find it.

i've looked everywhere, and I have to believe that there is a

hazard having a window open on

my property.

It's within zero to 3 feet

it's -- to the table. I don't know -- yeah, and the

property line that they showed in that drawing is not

accurate. If you pulled the S.F. Property information map, you can see that there's a big chunk that

is extended past their -- of their building that is extended past the property line.

So I respectfully disagree.

Thank you.

>> **Commissioner Honda:** thank

you.

>> **clerk:** thank you. >> in the letter and the brief

that was submitted by the

appellant, all you will see photographs of all the windows

that she complained about.

Those photographs was from. Those photographs were put when the house was being sold at the time before my client had purchased it.

So a lot of those window have

been around for long time.

They are lot of grandfather

property line window in san

francisco, and these are -- her complaint started when my

client received a permit to use

the side yard for parking, and

she didn't like that, and that's how this whole

complaint, one after another, started.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you.

Anything further, Mr. Duffy?

We're getting our money worth.

>> obtain a permit for previously installed fiberglass windows on the rear of the building, work completed, not visible from the street.

That was issued on 3-20-2018 and signed off on 7-11-2018. These are nothing to do with the windows that are under appeal.

We then -- on 16 November,

2018, filed a complaint, a

complaint has been filed.

No building permit for this work.

Corrective action, filed a

building permit action to

comply or remove windows. That then was the permit that they came in for the two windows.

While I respect the appellant,

she needs to bring this up with D.B.I. Complaints.

We've issued two N.O.V.S now, and I thought we covered all

the windows, but if she's got

an issue with windows other than previously issued N.O.V.S,

she needs to bring it up with

our people so it can get resolved. But this permit tonight is for

these two windows.

And the only thing I can say is

they should be 45-minute rated

windows if windows.

>> **President Fung:** do you recall what we did on the previous windows where it was alleged based on the survey that the neighbor's wall was

over the property line, and

therefore these windows there were there would have required

the adjacent neighbor's permit

to be installed with the permit. We

we continued it to see if they could --

>> I was at the property last friday. This is a little different because permission is not

sought or needed here because

the appellant doesn't have an opening within 6 feet of the property line windows.

Smart, there's a yard there, I think.

I saw a photograph of a fence.

>> **Commissioner Honda:** no, it would be different because those windows were side by side.

Those windows were potentially on her property.

>> the neighbor has an open within 6 feet, they have to

have something to allow it.

That was the property on beaumont.

It's number six in our administrative bulletin.

>> **clerk:** thank you. Commissioners, this matter's submitted.

>> President Fung: commissioners?

>> **Commissioner Honda:** well, we've heard most of the

property line windows, and it's unfortunate most of the hearing was spent on something that was not before this body. What was before this body were the two windows in the rear and unfortunately not a lot of

conversation was directed

towards that. As per what the building

department indicated, I believe

they should be fire rated.

>> **Commissioner Lazarus:** would you like me to move or do you want to move that we agree to

modify the permit so the quoted

windows are fire rated?

>> **Commissioner Honda:** yes.

>> Commissioner Lazarus:

inspector duffy has further ideas?

>> I think to comply with ab 009 of the san francisco

building code to comply with

property line windows.

>> **clerk:** we are going to require drawings? Okay. So we have a motion from commissioner lazarus to grant the appeal and issue the permit

on the condition that it be revised to require that the two windows at issue in the rear of the building -- I understand

it's the new window on the sxd floor, enlargement of the existing window on the first

floor be require rated in

compliance with ab 009, and the permit holder needs to submit

revised plans to be approved by D.B.I. And the board office.

On that motion --

[Roll Call]

>> **clerk:** okay.

So that motion carries.

So the permit holder

understands, we need revised plans. Thank you. Okay. We will now move onto item number 10.

Thank you for your patience.

>> **Commissioner Honda:** I was just going to say that.

>> **clerk:** I'm going to say it

again for the people on item number 11.

Item number ten is appeal 18-121, vera court versus zoning administrator.

Protesting the issuance on

September 6, 2018 of a revocation permit requesting

that building permit flix

numbers 200 # 123492,

20090992422, 20090457 # 4,

2009007053, and 201503191342

being revoked due to the

determination by the planning

department that the -- [Inaudible]

>> -- and only allowed for the

alteration of the building with retainment of the front facade.

>> good evening, commissioners. I represent vera cort. There are a large number of permit numbers, but it all

comes back to the single use

permit issued in 2001, and that

was a site permit to renovate this building and have use

approved for the renovation.

So at that time, and prior to

that, this building was a wreck. It was in shambles, it had been

approved for demolition, and demolition, including the entire facade.

So when -- but vera cort purchased it, she had a

different plan. She had a plan to retain it, and she wanted to keep as much

of it intact as possible, and that was part of her plan. And part of the plan, too, was

not to keep the entire facade as it was.

The original plans included

opening up two of the bays for reinstalling the original

windows, and there was no condition in the approval or

the plans that said you must retain other elements of this facade. There was conditions on the permit at that time, and it did not include this.

The permit conditions were concerned with blight from the current sign and said that you can only use so much of the sign at that time.

So -- and a lot of work's been done.

There's been a lot of permits. There's a plan with four addendums here. The first three have all been approved, and the fourth was submitted.

After a year of waiting for the planning department to review

and approve the fourth addendum

and working on them with comments, they came and said we

want to reevaluate what's happened six years ago.

And so what happened six years ago after -- and this is one of the plans that happened in 200 # will.

Plans were submit -- in 2008.

All three plans were submitted

there just like they want to do it today n. It.

In 2012, they found the concrete was unsafe. It was damaged, crumbling. The same that had been discovered in the 90's, in

every structural engineer who has looked at this found that this is dangerous concrete, and it can't stay there.

The concrete has to be removed. And there would have been no

process any which way to have saved this concrete.

It would have to be removed, and so it was. And the planning department has

suggested without any structural evidence whatsoever, without anybody with any

knowledge, that somebody -- that the failing concrete was

vera cort's fault. There's no evidence of that at all.

The evidence was this was failing concrete for over 20 years.

And so -- and the other key

issue here is this is not

really a dispute or a challenge to what the front of this building is going to look like. The reason why this permit has

been revoked is not to say we want it

wanted it to look this way and we want it to look at way. They want to stop all the process of figuring out what the building's going to look like and move forward, and they want to go back and undo the use of this project.

So this isn't about the face of the project, this is about

planning wanting to redecide how the building can be used and to undo the prior approvals. And along with that, and maybe

they don't fully appreciate

that, is a tremendous burden in terms of not just the process

of getting a use permit

changed, but the changes in regulations and laws and things

that will be applied to the new permit.

And vera cort has relied for

years -- and after the

additional work was done in putting in sprinkler systems,

in putting in new floors, new

roof, all being inspected by the department of building inspection with the front of

the building off, approving these things as they went along.

And millions of dollars have

been put into the building.

And now planning wanted to him

this out from under here, and -- her, and it's not fair, and not under the law. to go through some of the things that are under the

brief, we have a vested permit

here, where a permit has been

approved, there's been

substantial

substantial reliance on it for years and years.

It was taken away without any fair hearing. This wasn't hidden in the basement, it wasn't in the back

of the building. It's something that everybody could see. There was articles written about it.

If anybody wanted to bring that up and address it, they could have wanted.

Since that time, vera has

relied and put in more money and obtained additional permits

and approvals going forward. And this is put in the brief, and planning had no response to it.

They just had no response that

this is an untimely action. Third point is that planning

didn't follow their own procedure.

The san francisco thoughtfully knows that people are entitled

to a fair process and set out a

process for planning to fairly valley evaluate processes where there's a planning preparation.

I saw that there's this kitchen sink proposition here that says that I can do appropriate actions.

I don't think anybody thinks that other appropriate actions

means that they can do whatever they want without regard to the

process there. The fourth point is that planning states that there

should be new permits, and we agree. There should be a new permit for the work that was done and for the work going forward, but that's a separate issue from deciding to revoke all past

permits, permits for

sprinklers, permits for anything else that they want.

So it's not an issue of whether it should be corrective

permits, it's not an issue of whether there should be

corrective work being done --

>> **clerk:** you have 30 seconds -- oh, I'm sorry.

>> **Commissioner Honda:** finish that thought. Just go ahead and finish that thought.

>> any ways, you know, in conclusion, I just think -- conclusion, I just think that

the scale of penalty involved here for what was done is completely out of whack, and I

think the brief sets forth in detail all the reasons why the decision should be reversed. Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you.

>> **President Fung:** counselor, a question.

When I went through the brief,

it wasn't totally clear to me.

Your addendum four, did that

include the out-of-scope items?

>> yes, I -- and I can put

it up here, a little example,

if I can get the overhead.

>> **clerk:** overhead.

>> **President Fung:** okay.

So that's the addendum four?

>> this is the addendum four proposal.

>> **clerk:** okay. Thank you.

>> thank you. Good eepg

good evening, members of the board, President Fung.

Scott sanchez, planning department.

The building was developed in

1912 with approximately an

18,450 square foot movie theater.

In 2010, it was identified as a historic location, and

historic resource. The subject property does have a very lengthy history going

back predominantly until the 1989 earthquake and the effects

of that earthquake on the subject property.

The claimant has claimed that

demoreports were obtained on

the building -- demoreports

were obtained on the building.

They have never obtained the

permitted to demolish the subject building. The appellant purchased the

property in 1998, according to

city records.

They came in with this permit

application in 2001 to do a change on this property, to go

to the planning department. That was denied.

It was appealed to this board

of appeals which overturned the scope of denial.

At no time was the building ever demolish.

This was not to demolish the

building or facade, it was to

do an adaptive reuse for the building that was going to be a

gym operated by touchdown climbing, who was the applicant for the permit. All the environmental review,

all the materials provided by the planning commission and

board of appeals were specific

to that scope. The application can telephone

and all -- itself and all of

the approvals were based on the

fact that the facade was to be retained. There was a significant length

of time after the planning

commission hearing before work

did proceed on the property.

I understand that back in 2004-2005, the engineer that

was working on the project passed away. Permits were set to expire at that time. That was one of the arguments

for extending the permit.

They did notably commence work

in 2009, and that's when they punched large openings on the outside of the building.

Based on photographs, it doesn't appear that the property owner took steps to maintain or preserve the facade. Yes, the status of the building

and the building and its kind of propensity for the seismic issues which came about after

the 1989 earthquake, that was well known. So I think that the property

owner could have taken

appropriate steps to preserve the facade, to otherwise preserve or protect the facade of the building. Over the years that followed,

these openings were added in 2009. According to the appellant

between 2009 and 2012, they

were made aware of more serious

issues that led to an emergency situation. At that time, they should have

contacted the building

department so determine if there was anything about the if a sudden. We don't have anything direct

to say that the owner of the

building is directly

responsible for the demolition of the of the facade. Subsequent to that, as I noted

in our brief, the historic preservation commission took

action to designate this a historic resource.

The designation was in 2010,

the removal of the facade was in 2011-2012.

This should have been resulted in additional environmental

review. I did speak with staff, when that was submitted, it did not

know the demolition of the front facade. Yes, it showed how they wanted

the facade in the end, but it does not know the change in the project scope.

This was submitted in 2016 or '17, aefrl years after they had

exceeded the scope of the permit.

We did respond to the obviousness, and the permit holder misrepresenting the scope of work in their addenda. We have followed the appropriate processes in planning code 307. It does outline the ability of the zoning administrator to taken enforcement action.

This is -- take enforcement action.

The suspension remains in effect. We did after subsequent review of the materials and discussion with senior management in the planning department did discuss that the appropriate way of bringing the property into

compliance was to revoke the permits and require compliance with the conditional use requirements which requires a

conditional use of the demolition of a movie theater. We don't know exactly what their plans are for the property at this point. They May require conditional

use authorization or other authorizations for prospective tenants for the subject property. Also, they've expressed concerns about the special inspections that have been performed and kind of losing credit for those? We've discussed that with the department of building inspection and we'll work with

them to make sure that they don't have to duplicate unnecessary inspections, that they can get credit for all of

the inspections as appropriate,

but we do believe that the appropriate process is for them to start over with a new process, to have a public process, community process that

needs to occur. So that's all, and I'm

available for questions.

>> **Commissioner Honda:** so I

have a question.

In the recommendation from

historic preservation, in the

permit holder's brief, it says

in 1935, the facade was filled

in with concrete and so how is

it still historic if most of the historic features have been removed?

>> historic doesn't require that it be in the original condition. When the evaluation was made, it was based upon the condition of the building, when it was

surveyed, in 2008 or 2009. So what they were looking at when they were designating the building was the facade as it existed in 2009.

So because there were changes

made in the 1930's -- 1930's can be historic.

It was still determined to be a

historic resource after the the original construction of the building are.

>> **Commissioner Honda:** when would that trigger it not being historic with the features being removed? >> it would be a question of what kind of changes were made. Since it wasn't done to this

building, I can't say what it

would take to have the historic

loss for this building, but the

building as it existed in 2008-2009, was found to be

historic, what removed of the building. You could have changes to a

building in 2008-2009. Just because changes have been made doesn't mean a building loses its historic rating.

>> **President Fung:** no, agreed, but we have not seen anything

related to that survey. You know? In other words, the question is

what did they find in that

survey, and does it compare to,

then, the 76 survey?

>> also, our argument isn't just the loss of the historic

resource that was achieved. It's that they exceeded the scope of the permit.

>> **Commissioner Honda:** we definitely understand that, but a lot of this is in regard to

the facade and you know, to

me -- and I'm not a historic preservationist.

If you cover everything up with cement, that if a facade is not functional. That's a question. I would have liked to see how that compared to the

previous -- how they got to that point.

>> **President Fung:** it's simple enough just to show us what

they had there for that

building in the mission survey

versus the 76 survey. >> I should be able to pull

that up in rebuttal.

>> **Commissioner Honda:** okay.

>> **Vice President Swig:** so I need some education, please.

On the subject of a historic resource, you understand.

It was 1935, or 1912 or

whenever it was built.

What is the -- if I was to buy

a building in 1912, adjusted in

1935, designate it a historic

resource, what standard am I

supposed to pay attention to if

I want to change the building?

Do I have to go back to the

1912 original, or do I go back to 1935?

You said in your presentation, 1912 historical, but what is -- >> it's my understanding you

can seek to restore to its very

original condition, and that's

something that preservation can investigate, but at the very

least, you preserve the facade of the building that it existed

in the 1930's, that you could

be exist -- would be existing

at least that portion of the property. >> what if we made the same thing on another item, and we said okay, we approve a demolition permit contingent on the demolition of a plan? What is the shelf life on that -- on that motion that we might approve?

>> I think there would be two issues if there had been a permit issued for the demolition, which it was my understanding there was no permit issued for the demolition.

>> **Vice President Swig:** no, take it at your face value,

which I believe you said a

permit was made, demolition was approved with a new plan

submitted and approved to rebuild the structure. With something like that, what

is the shelf life on that? When does it become a moot point?

>> permits have expiration dates.

So one has a permit expired. Two, was there an entitlement have the planning department?

If you have a variance,

conditional use authorization,

you're required to obtain a permit in three years. Whether or not there's a valid

ceqa determination, and that

could change based upon new information. Certainly, there's no ceqa

determination from the early 1990's when the planning commission and the board of

appeals heard those permits to

today that would remain valid given all the change taz have happened in that time.

>> Vice President Swig: and

given the fact that three years have certainly passed since

that motion was made and

approved.

we can throw that over board. >> I believe so.

>> Vice President Swig: okay. Final question. Do you believe this is something with eyes wide open,

if she got caught, you take the

action and beg for forgiveness earlier? We have seen on a few occasions

where somebody has taken action

to demoesomething and go oh, I'm

sorry, and then beg for

forgiveness and then has taken

action as we deem appropriate. Is this where they destroy the if a sudden and all the options

that you represented and now

they're begging for forgiveness

on that subject? >> well, a couple things I would look at that. Is it someone with a known pattern of this history of activity? We have seen certain people or entities that have committed these types of issues over and over again. I can't say that that's been the case for the current

property owner as I am aware. That said, the current property

owner does own multiple properties. They are someone who should be knowledgeable about the city's processes, and I think that they have responsibility for knowing those processes.

And what raises a concern to me

is the lack of action on the building.

Putting holes in it, not weather eyesizing weatherizing it. That said, the interactions that we've had with the property owner.

They acknowledged that they exceeded the scope they're not lying about that.

In their brief, they're clear

that there's a violation of the scope.

They're willing to come back and try and restore the facade, and we appreciate those efforts. Our opinion is they've lost the ability to go back to that permit, given the exceedance of

the scope and they need to go

back through the process again,

so their actions to resolve it don't meet the point that we

think they need to be with compliance.

>> Vice President Swig: so this

this negligence, carelessness

or just gross ineptitude by somebody who should know better, and therefore, your

point of view is regardless of how you characterize it, we've

got to start this all over again, and we need to go back

and do it right, folks. We've got a project, there's

been mistakes, asking to wipe the slate clean and start again. Is that what you're asking?

>> I think that's correct.

>> **Vice President Swig:** okay. Thank you.

>> **Commissioner Honda:** one last

question. On brotherhood way. We had a project that had gone

on for years and years and

years, and in that case, we

found that lack of action on a

permit for three years is declared a pause. >> I can't accurately make that

as a comparison, but what I can

say is they've exceeded the scope of the authorization here.

what was listed is not what they've done.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. Mr. Duffy, do you have anything to add? Okay.

Is there any public comment on this item? Okay. If there's public comment, how many people -- if you could

lineup against the wall, and

make sure you give a speaker

card to gary. Okay, and given the volume of the public comment, public

comment will be limited to two

minutes per speaker.

>> **Commissioner Honda:** first

speaker, please, come forward.

>> Larissa Petrucelli with United to Save the Mission.

In the appellant's appeal

letter she feels she's being

punished for being a wealthy landowner, but it seems that she is in denial that she is not above the sur-
view of the codes and regulations and

standard practices that define

our planning and building codes. There was ample time before they even started this project for -- I
mean, it's been years and years and years. There was ample time for

architects and engineers to

survey the site and to prepare and for them to say that some

of these things just came up,

and they had no idea, and they needed to immediately demolish it for safety is really egregious. And we
have processes in our

planning code that allow for discovery. You know, there are processes that are well established. I'm
actually in the industry,

and if you discover something that was unexpected, you show

an inspector, you present it to planning, and you go through

the process, and both the department of building inspection and S.F. Planning

work with you on these processes. She has stated that she doesn't

think this building is

historical, but it would have

been defined under CEQA. It would have gone through historical planning, had a hearing if need be.

There is a process, and it's the belief of this community that they knew what the process was, and they chose not to follow the process because they knew that they might not be able to tear down this resource, and we'd like to see

it restored if they come back with another project.

>> **clerk:** thank you. Your time's up.

Next speaker, please. >> good evening, everyone.

My name's vickie castro.

I'm artist, active and home grown in the mission. Born and raised in the mission. And live and work there still,

still trying to hang on and hopefully I'll be blessed enough to take my last breath in the mission.

Many of us who grew up in the

mission seeing a latino is a main character in the mission. Seeing a latino is a main

character in the story of our life. It was beautiful, a beautiful facade. it was kind of like next to the new mission, were beautiful earnings that was on the face of the mission.

That marquis holds personal significance.

It does tell a lot of the story telling of the people who live there.

It is a place mark for the

history of the mission; and it should have been conserved.

It should not have been touched.

For me, it was an act of

violence against the community.

When you take away result cal

legacy from us -- cultural

legacy from us, that's cultural erasure.

I'm still upset that I walk by this building and I see that it's not kept, and it should have been kept.

At the end of the day, the removal of the sign is

critically important to us.

It is part of the historical legacy of the community.

Today, I think the decision to reaffirm the revocation is siding with community.

We shouldn't -- as we see in

this time of gentrification and displacement, a lot of

decisions are going in favor of those who have the building and the money.

We're just looking for community equality and respect, and I think that you should acknowledge that.

>> **clerk:** okay. Thank you.

Next speaker, please. >> my name is alicia sandoval, and I work with housing right committee and united save the mission. I was born and raised in san francisco in the mission district. As a native, I have witnessed a lot of the changes, gentrification gentrification that happened in my community. You grew up in a beautiful community, and then one day,

everything that you knew as a

child is gone, vanished, theaters, restaurants, community centers, mentors, gone. Our culture is gone, our

history is gone, our childhood

memories with gone. I grew up near 21st and mission, and my parents still reside there.

My community was a safe haven. I could walk to a nearby theater.

Growing up, I attended all the theaters. I felt like I blimpg nked, and they were all gone.

I have memories growing up to cine latino. It wasn't only a theater to me, it was a community space for families. So many memories.

I remember going to see latino

with my dad to watch spanish movies.

I remember watching one specific.

That.

They'll try to make it

affordable, try to point little

things at us, but the fact it

they -- is they weren't allowed to do that under the law, and we in san francisco do not want this project to go forward. Thank you.

>> **clerk:** thank you.

Next speaker, please.

>> thank you so much for listening to me today.

My name is arturo mendez, and I have been working with

commission cultural -- with

mission cultural center for a

couple of years. Hearing so much of the emotions

in this room, I really worry

that the historical culture and character of our community is being lost. But not only that, I think that

we as a community, we are not closed. We are willing to be open and talk to the people coming to

the commission.

We just need these people to

come with an open heart and

awareness of all the changes

and to talk to our community

and listen to bha they what they have to say. This is proof that the people that own the building are not willing to follow the guidelines, and it's a shame

that we have to be here, think bg

-- because there's many, many people that want to hear that. I think we need to come into

communication and really develop something together or give space to someone who's willing to interact with the community, who's willing to

care, and who's willing to

interact with the mission district. Thank you.

>> **clerk:** thank you. Next speaker, please. >> good evening again, board members. We're here again, protecting our neighborhood, obviously. I'm here to support the planning department's

revocation of these permits. Unfortunately, the reputation

of the cort family does precede them. This is a continuation of

action this community has been

seeing over 20 years. Let's call it what it really

is, systemic cultural erasure

to financially benefit themtss.

This subject is the benefit of multiple manipulations to

circumvent the law and benefit

their own financial gains.

I've been in the architectural

business for over 25 years, and

facade retention is a standard practice, especially today. There's ample technical practices to achieve this, no

matter what condition or the facade is in.

I new of numerous masonry complex brick restorations all of which have been executed very well. If there were problems maintaining the structure, they should have asked for guidance from the city. That is the law. The 2016 permit applications

did not know they had already

knocked down the facade. In 2001, the planning department actually denied the

request for a gym, a very upscale-type business that the mission really doesn't need. However, the board of appeals

in 2002, it was overturned, but

that vote did not authorize the

destruction of the theater facade.

It's completely unauthorized and illegal.

I just found out that the kord cort family owns another theater nearby. The community will be stand for

this -- will not stand for this, and I think it's important to send a message

through the planning department that this message should further discourage this type of action in the city.

Thank you.

>> **clerk:** thank you. >> hello again.

My name is lucia, and I'm a community member.

And I was not born or raised here, but my dad was born and raised here. And even though this theater

has been gone for years now, this theater is still loved and

remembered as if it was still

here today.

It is now in our oral history. Tales of this theater is now

being handed down from grannt grandparent by memory. If there were problems of trying to maintain the existing

structure of the theater, the owners needed to ask guidance from the city. That's the law.

I ask this board to uphold the decision of the planning department and to continue revoking the permits for this development.

Thank you.

>> **clerk:** thank you. >> hi. My name's brittany henry.

I'm a community member and I also work with impact hub,

which is an affiliate of U.S.M.

I'm a third generation bay areian.

I've grownup in the bay my entire life. I've only lived in the mission

for a year, but I've come to love the culture there.

Coming to the mission and seeing how much preservation is going on there really warms my heart just because I think it's really important that we preserve culture.

It's important that a community is able to look around and see themselves in it. These things just can't be passed long in tales. People need to see actually

themselves within the buildings, been the

community -- within the community, within the culture that's in the space.

So I won't take up much of your

time. I just wanted to lend a story. Thank you.

>> **clerk:** thank you. Next speaker. >> hello.

I'll be -- I'll be quick, as well.

My name is monica, and I'm born and raised in mission district --

>> **clerk:** I'm sorry. It's difficult to hear you. Do you mind? >> okay. Hi. I'm monica born and raised in the mission district, and I support the planning department's decision to revoke the permits. Thank you.

>> **Commissioner Honda:** thank

you.

>> **clerk:** thank you. >> hello.

My name is zachary wisenberger,

and I support the revoking of the permits.

If you approve these permits,

you would set a dangerous

precedent and make it even more dangerous. And I also support the planning department's decision to revoke the permits.

Thank you.

>> **clerk:** thank you. >> good afternoon.

My name is eric arguella.

And I am with calle 24.

I just wanted to start to say

that we do support the planning

determination, and we hope that you uphold their decision.

I think we need to start all over again.

You know, it's really hard for us to believe that the family

did not know that this is a historic theater. The mission street has been

known for its theaters for many

decades, and we rivalled market street at one point, and we still do, so it's hard to know they didn't have any idea. The mission street across the street and the grand theater.

There's many that we know are historic and been there for many years. Also, this is not the first

time that the cort family has been involved in something

controversial in the neighborhood.

At one point, they removed a

large mural in the mission.

There is not the first time for them. They very well know the neighborhood and what type of profits they can make in the

area. They've been buying and selling buildings in the area so

they're very well versed in construction and what they do.

We just want to make sure that this isn't going to set a precedent, to come in and say they didn't know anything, and

to try to get the price that they want.

Thank you.

>> **clerk:** thank you. >> hi.

I'm a resident of the mission district.

I feel strongly that the removal of the facade does exceed the scope of what was given to the owners, and I strongly support the planning department's decision here, and

I implore you to do the same.

I just want to go on record and say I don't support the development.

Thank you.

>> **clerk:** thank you. >> rick hall, cultural action network.

I'm just here to say uphold the planning department decision.

Cultural action network works

with antigentrification efforts

in the mission, and there's

nothing more gentrifying that

wiping out the history of an

area and the theaters are very important landmarks, and

frankly, this one should be restored.

Thank you.

>> **clerk:** thank you.

>> good evening, again.

Peter papadopolous with the mission cultural agency.

We are in the middle of a

crisis, and I don't think that that is per year line of

question -- your line of questioning, your decision making crux. Your decision making crux rests on the fact that this significantly exceeds the scope.

In fact I just came across this body of course is the body that initially allowed the project to go forward.

Those permits were only for the adapting the use of the

existing structure for minimal change of the exterior of the building. That was almost 20 years ago.

Now we're in it a whole different standing.

It had holes punched in it in 2009. It was left open to the weather. 2010, it was declared a historic resource, and then suddenly, 2012, we see that

it's knocked down, right?

So we have pictures, which you can certainly provide that are available on-line.

You can find them from flickr

and such from 2012. It was in reasonably good shape.

As we hear, there's a very well

known procedure for how they would then go forward and they want today ask -- wanted to ask

for that demolition.

That permit wasn't granted per se because it said they needed

to go and get their permit for

what that permission was.

That's ostensibly where we're

at, which is in order to get a

permit, you need it to get approval. They didn't get that permit by submitting a whole new conditional use application and plan.

So yeah lastly, the one thing that I wanted to say, I do think it's important that -- the zoning administrator pointed out when they did submit their most recent permit applications, it did not even

include that they had already demolished, and I do think that that is significant. That even when all is said and done, they could have come

clean and come forward and said

here's our proposal, and they did not do that.

So we would ask that you uphold the planning department's decision to revoke these permits. Thank you.

>> **clerk:** thank you.

Next speaker, please.

My name is louie cornejo.

I'm a small business owner who happens to do business in the mission. I happen to own a commercial real estate company, and I

happen to work with buildings like this and specialize in real estate retail. I've been in san francisco since 1993.

I'm grateful for landlords like

vera who keep rents low for small businesses like mine.

Actually, vera is the only

landlord that keeps rent so low

that she houses artists that

are all living in the city at

1890 bryant, the only building in the city that's for artists. They leased the building for city college, and city college pulled the permits to built a film school.

If you speak with them, they're paying very low rents.

The building that I'm in is an

office building on 22nd, probably half of the tenants are nonprofits.

So I hear a lot of feelings and

you know, I think it's only fair that we try and stick to

the facts, and it feels like to me, being in real estate and

seeing this all the time that this is more about the use change than historic, and I think because of that, they

should let the permit continue.

The use was approved for a gym. Sadly, theaters are closing everywhere.

I mean, it's not a mission

thing, it's all over the U.S.,

and gyms seem to be the only business that are thriving.

Thank you.

>> **clerk:** thank you.

>> in the last 15 years, 8,000

latino families from my neighborhood gone due to the

ellis act and people with money

that can come in.

12,000 families from the

bayview, and black families are

at 3% in this city.

15,000 day boys and girl --

2k3w ay boys and girls from the area. That's -- gay boys and girls

from the area. That's 37,000 san franciscans that we don't have anymore.

If we don't stop this, we're

rewarding this kind of behavior.

The cort family has always been like this in san francisco. Please up hold what the

planning wants.

>> **clerk:** thank you. [Inaudible]

>> I come to you to -- by

not -- by not -- I come to you

to not approve the proposal

for -- for having the gym in its place.

And I say that because in the

latino for me is a historical place, and I say that because

my dad used to work there.

And seeing that the building is

the facade, the art, the building gone makes me cry.

Also, it -- I just want to say

that the -- I'd rather see the building reinstated, and when I

say that, I'd rather see the theater get reinstated and not

a gym.

>> **clerk:** thank you.

You can fill it out afterwards. Go ahead.

>> my name is bernardo

bernardo fernandez.

I went to that theater, and a lot of people like me can say

it was like a baby-sitter, because we went there when our parents had to work. This family owns a lot of property in our neighborhood,

and they have been a bad tenant. There was a mural that was

painted by two campesanos on one of their building that they gave permission to, and they

went and painted over the entire mural, a historic mural.

They sued, and they lost. They own a bayview building on

22nd and mission.

In 1996, when the dot-com boom

came through, they evicted everybody. Only spanish language radio station, they evicted them.

They evicted everybody so that

a dot-com business could move in there, which eventually,

they, you know, as most

dot-com bubbled and moved out. This theater, they never should

have closed it. They should have kept it open. Look in your record and see how many years this building has been closed.

It's been a sore eye- -- have you seen it? Have you driven by it?

if you have, you've seen a sore that's been in our community.

It could have been a site to build affordable housing. A lot of benefits have been given to this family, and they refuse to talk about any other options that the community could have used and especially

in this time could have used.

Thank you.

>> **clerk:** thank you.

>> good evening. My name is norma garcia.

I'm a native of the mission district. I work in the district, and

I've a resident of bernal heights. The destruction of this is very personal to me. When I was growing up as a kid

in the mission, mission street was my playground.

It's where my families' friends gathers, it was where we shopped and lived.

It was home to lovely theaters,

the mission, the crown theater, cino

cine latino, and the only one

that remains is the theater mission.

I have many happy memories of

being in the theater watching matinees with my brother. It's where I began to

appreciate detail, art deco design. It was there, it was beautiful, and it's gone.

I ask you that question, too.

Have you been by the crown

theater, the former latino? It's an absolute eye sore. It's a shame, and you know what?

The mission district has lost a

landmark, but the city of san francisco has, as well.

what would we say if the same

thing happened to city hall, if it were stripped and covered with board?

We would never allow it, so

please, deny this appeal.

>> **clerk:** thank you. >> yes.

My name is josette moie, and I'm the owner of the building next door to this building.

I sent a letter up to the board

stating my feelings about this property that has been a garbage bit, an eye sore, for

20 years. I bought my building, and

remodelled it and had several

businesses in it for the last

20 years, and the building next

door was never taken care of. It was horrible. The workers through chunks of

cement on my roof, they cracked

one of my sky lights. There was graffiti all the time because of the scaffolding

being left for months, so they

would climb on the scaffolding of my building, and it cost me a lot of time to clean it all the time, ongoing, and I would like to know what is happening with this building, because obviously for 20 years, nothing was being done about it. And I would really like to know

what the owner is planning to

do to remedy this eye sore

which was plagued the -- has

plagued the block for 20 years.

I applaud the planning department's decision.

>> **clerk:** thank you.

Next speaker, please. >> good evening.

My name is richard ainsland. I have a business next door door, and I've been there about

14 years.

having a business next door has really been a financial burden

for my business. It's a complete disregard for

businesses in the area.

The facade has been destroyed. They put up a scaffolding around it and allowed people to get on top of the building, my building onto the marquis, graffiti it.

I guess numerous citations from the state for graffiti,

graffiti, which

is a real pain to get it. You get a citation, you've got to get it cleaned up, and then,

you've got to document it.

And then, I was told that Miss

Cort didn't really care about my problem.

They put up a wall.

I paid 7,000, had the front of my building painted, a sign above the marquis, and that was totally destroyed.

I have to go up on a 20-foot

ladder with my little paint can and try and paint it over.

So then, they cut the wall in half, and people just through garbage and garbage and garbage

there, and then, we had a rat infestation there.

I could no longer have sidewalk seating on my restaurant because the rats were there, running around.

I had to have \$350 every month

just to have an exterminator.

She just renews permits every

year because she has more important projects that she's working on in san francisco.

There's got to be some kind of commitment for completion.

>> **clerk:** thank you. Any other public comment? Okay.

We will move onto rebuttal. mr. Meyer, you have three minutes. >> thank you, commissioners. I don't know if I'm going to be able to respond to every comments made over this long period of time, but what I can say I agree it's an eye sore,

and I agree my client's been waiting two years while planning's been thinking this over, and we're still waiting today. And if you do anything other

than reinstate the permits and

have it go through the proper

process to restore the facade,

and to move forward with the project, the question of whether to revoke the permits

is different than the question

of whether something should be done here. And -- and whatever the remedy is -- and that can be a penalty or it can be whatever the city attorney believes its remedies

are, revoking permits is not

that remedy here, and they have not gone through it properly.

And in the -- the situation is -- and planning department has been a little confusing

about this, too, and I'll

explain the legal situation of a -- explain.

The legal situation of a historical preservation is

different than a landmark.

A landmark, there's notice, form 523 a, 523 b.

It identifies every aspect of that building that's historical. The owner is notified, and it gets put into the ordinances of this city.

That did not happen with 2551 mission.

it's never been a landmark.

It was never a landmark in 2001.

There's not a planning code section that says when

something gets affected on a potentially historic building, revocall permits.

That is -- revoke all permits.

It's not in there, and planning's not been able to

identify that. People's defensiveness at it.

Whatever it may be, the question is, did they have the authority to do this? Is it in the planning code that

they're enforcing this?

If -- have they timely done it? No.

Will revoking the permits get

this project done or get it to

what they want it to look like? No. So what needs to happen is this unlawful action by the planning

department gets reversed, and we direct something to happen

in the planning department to pick out what the facade always 's going to look like and pick an appropriate remedy for the situation here.

>> **clerk:** you have 15 seconds

if you wanted to add --

>> I guess that's it unless you have any questions.

>> **President Fung:** counselor, I

asked you a question earl

earlier about the out-of-scope work that was not permitted.

You indicated it was in addendum four. Zoning administrator's

indicated that it's not in addendum four. >> well, I think the zoning administrator is not the person who is involved in this project

when the submittals go in, and

when that happened, I've been

assured by vera cort and the architect everyone was well aware of the condition of the building when those submittals were done. It's not a secret. It's open and obvious --

>> President Fung: so my

question is seeking a permit for the work that was out of

scope, I asked you if there was an addendum for it, and you said it was.

>> maybe I'm getting it

technically confused, but the

facade is on addendum four.

If it required demolition to acquire that look, that would

be part of addendum four.

So it would not be hidden from

addendum four in any way.

>> President Fung: okay.

>> clerk: okay.

Thank you. **>>** thank you.

Scott sanchez, planning department. There is a disagreement here between the property owner and the city is the methods to achieve that. We've identified that since they have exceeded the scope of

the permit, they have invalidated that authorization. They need to obtain new permits, they need to go through the proper process

which includes the conditional use authorization required for the demolition of the movie theater, and with that, we can move forward. We have given this direction to

the property owner over the last several months. We have not received any response as to how they would pursue that. They've chosen to go through with the appeal tonight, and we are respectfully asking that

the board uphold our revocation request.

We've never stated that this is a landmark building. This was not designated as a city landmark.

That is not our position, so I don't exactly know why the appellant was raising that. There was additional review done that is required for the demolition of that facade.

It would require additional environmental review which cannot be done now because the

his torque resource has been removed by the owner without proper permit.

In se to President Fung's question about the designation

of this, I can put on the overhead of the survey of the property which I believe was done in 2008, if I can have the

overhead, and I'll go over some of the details.

>> the foundation is reinforced concrete.

The primary facade faces west and includes five structural bays. The ground floor is boarded up, and angle marquis is

cantilevered above the ground floor.

Capped by

capped and molded rosets, and the building does appear to be in poor condition due to

general holes in the north

wall, and this survey was from

January 2008, so even before

the work they did to open up the facade of the building.

This is a historic resource, no

it is not a landmark.

prior to the designation, it would have been a possible

historic resource, and any

demolition would have had to follow those facts.

>> Commissioner Honda: I have a

couple of questions.

>> President Fung: I have a couple of questions.

>> Commissioner Honda: why

don't you start this time, Mr. President.

>> President Fung: the suspension and then the

revocation was predicated by

work that was not permitted.

The -- and what the project

sponsor has submitted includes

nothing that relates to that work.

Yet, the process that you are outlining required them to then

go through a C.U. Process because because of of a legislation that was passed much later than the

original on the theater definition.

I would have thought that the

suspension and the revocation is because in the nonpermitted work.

And then, of course, if they submitted it, what they were

intending to do with that, the planning department could

either reject it or approve it

accordingly, right?

Why is the process, the workout

for them, a C.U. Process related to that legislation on

the theater, which we're familiar with? >> the conditional use requirement for the removal of

the movie theater was adopted, I believe, about a year after

the board -- I think it wasn't several years after, but it was shortly after the board had

heard this back in the early 2000's. And we believe that they are

subject to that requirement because they have lost the

rights to the permit which they did obtain because they

exceeded the scope of that.

Also, the conditional use authorization requirement stated that if the C.U. Was required for either the change

of use or the demolition of the theater. We have a change of scope here where before, it was a change of use, and they could argue that they were grandfathered under that for the change of use, but now, the scope of work

has changed really to be the

demolition of the theater,

which really requires the conditional use authorization, so for those reasons, we believe they need to go through the conditional use

authorization to go through the

scope of work, we think have exceeded.

>> President Fung: so based upon all of the nuances these days, especially in commercial districts, what could they put in there?

>> anything that's allowed in

the nc-3 zoning district.

>> President Fung: there's restrictions. >> yeah, but there's still a variety of uses that could go in there.

I can't pull up the use tables.

>> President Fung: but for this

size -- besides which, the fact that it has to go through a

C.U. Is another year and something.

But the type of uses, they couldn't do an entertainment

use, I'm guessing -- but any

way, you understand where my question is going.

What could they do here? >> I mean, I can pull up the

planning code use categories

and cite those uses, but they could seek to authorize the current use. They May be able to get approve

for the gym use, but they would

need to go through the C.U. Process.

>> **Commissioner Honda:** so along

the same lines, going through this brief, which is relatively long and having theaters come before this board before, I

mean, if we -- if we took the permits back of everyone that

exceeded the scope of their

permit, we would pretty much be taking emp

taking everyone's permit every night.

We had a conditional use permit, that didn't authorize

them to take the trees, and they took the trees.

What should we do? This carnage of the building took place in 2011.

This is 2019.

What was -- I was trying to figure out what was happening in eight more years -- I'm

sorry, before you answer these questions. If we start the project all over again for the size and scope of this project, it's not

going to get approved for a minimum of five years, unless

there's some kind of fast track that the planning is going to give inform this special type

of project, this project's

going to sit dead, the

alhambra, alexandria in the richmond district, where things are literally falling off the side of the building.

So what benefit does it do to the community to stop their permit rather than making the

permit holder just replace the facade as it was initially?

>> well, I think the issues here are the length of time

that this has gone on for, which we agree is problematic. We don't want to see the

property tied up for longer.

We can seek to expedite permits that seek to legalize work. That is something we can do through the permit review process. We believe that exceeding the

scope of the work here and the

way that it was done does invalidate the

invalidate their previous conditional use requirement.

>> **Commissioner Honda:** so why did it take seven, eight years to get to this point?

>> I think the department did not receive complaints about this until more recently, and then, when reviewing the architectural addenda, and my conversations with staff says

the architectural addenda did

not show the site as being

entirely demolished --

>> **Commissioner Honda:** but they

got caught in 2011, right? >> no. No.

>> **Commissioner Honda:** that's what I read in the brief, right, that the work was done in 2011. >> that

was when the work was

done, but they were not cited at that time.

>> **Commissioner Honda:** but it

was known that the work was done. >> not by any city agency. No city agency made a determination at that time that

they exceeded the scope of the permits. It wasn't until recently --

>> **Commissioner Honda:** when more recently?

>> it was probably late 2017

when the city became aware from neighbor complaints that they

had exceeded the scope of the work.

>> **Commissioner Honda:** I mean,

not to doubt you, Mr. Sanchez,

gu I am but I'm finding

-- but I'm finding it's

only been an eye sore. I don't understand the benefit

it does to the community to have blight on there for another five to eight more years. That's truly my concern.

And we have seen theaters come

here before, one on divisadero.

The theaters I went to, they're all gone.

One's a gym, one's a condo.

They're all gone.

To me, you know, bad players,

good players, but could have

such an iconic property in the heart of the mission just sit there and rot away, to me, it

does not -- does not help this process. >> but we also don't have any

guarantee that the work will

get down know, as it is. It's almost been 20 years that

the work has been started. We don't have any guarantee

that this'll be resolved.

>> **Commissioner Honda:** but if we condition the permit, they can't go forward unless that's done. >>
they can go through the

proper process. [Applause]

>> **President Fung:** excuse us. Come on.

>> **Commissioner Honda:** rick, do

you have one?

>> **Vice President Swig:** so my family's been in san francisco since 1945 in the real estate

business, and it sickens me

when I see real estate owners behaving with complete disregard for any community, and on behalf of the
real

estate industry, I'm really sor fee for y for the neighborhood -- sorry for the neighborhood. I'm still
mourning for the fox

theater where the city attorney has his office, so I'm very

sensitive to historic resources.

They should never have been

demolished or treated badly.

Here's the -- I think commissioner honda really frames this. It's a terrible thing what's happened to this community. It's a terrible thing what the

land observer has subjected the community to through whatever, disregard, malicious intent, it doesn't matter.

It is what it is. The problem is that -- that

commissioner honda's right, you know? So what.

We do the right -- "right" thing for the community here

and require the landowner to do the right thing, which is to wipe the slate clean. I said this before and get on the right permit track, but this is -- this blight is going

to be there for another five, six, seven years.

so my question to you is -- you

know, and it's too bad, it's really unfortunate, as you just commented on, that the

community did not standup prior

to this for notices of violations, for rats, facades falling onto neighboring buildings, and folks don't understand their rights and they should standup and file

notice of violations with D.B.I. That's really unfortunate in

this case, but scott, what --

you know, what can be done -- what can be done if we -- if we take your advice and -- and --

and I'm not denying that you're giving us good advice, but if

we take your advice, and it's

another five, six years of

rats, blight, falling facades,

graffiti, etc., etc.? Everybody continues to suffer. How do we prevent that?

What steps can the city do to

start penalizing this landowner

for disregarding, abusing and

acting inappropriately in their community? Are there laws to protect the community?

You know, I know what they're doing because I've seen the bad act before.

So we'll just sit around.

We'll wait till the building's blighted. We'll wait until the building becomes beyond repair, and then, the city's going to red

tag it and tear it down. They win. They win.

That's -- that's what I see coming.

It doesn't make me happy, but

that's what I see coming. The right thing is to make them

right and to get them to start the permit process all over again. I'd love to say that, but --

but be careful what you wish

for because without the city

having the teeth to bite into the landlord and making them

act appropriately, the community will continue to suffer, and the landlord's going to win any way because there's going to be an

earthquake, there's going to be some fatal flaw in the building structure that's going to allow

them to be red tagged, and it falls down any way. Sad, sad, sad, but true. Give me your comment on that.

I mean, what's -- it's reality

versus what I believe to be the right thing, which you're supporting.

I believe reality May win here.

It's sad, but give me some

feedback on this, if you would.

>> our solution is there's no good solutions here, but we've

outlined what we believe is the best solution.

>> **Vice President Swig:** why, if there's no plan. If we do what you're asking, and there's no plan -- I don't see a plan.

I don't see a building, I don't see an entitlement to build a

gym or a legalized situation

right now. And we're at jump street right now.

Without a plan, this is really a horrible thing.

>> **Commissioner Honda:** you want to let him answer the question first?

>> **Vice President Swig:** yeah.

>> there are no good solutions.

But whatever it built on this site, it will last for generations.

Whatever is built there, it

needs to go through the proper

process, input from the community.

>> **Vice President Swig:** I agree. >> and this is the board's decision now.

We've given the decision of the planning department which I've spoken multiple times with the director of this.

This is the position of the department, which we believe is the appropriate path forward, and it's up to you whether you agree with it.

>> **Vice President Swig:** thanks.

>> **Commissioner Honda:** thank you.

>> **clerk:** okay.

Commissioners, this matter is submitted, and as a reminder, the standard is error or abuse of discretion.

>> **Vice President Swig:** can I ask the city attorney. How far -- it was suggested that the conditions -- if we uphold the appeal and allow the permit as it stands, what conditions May be placed on this to -- to facilitate, to force completion, to facilitate the completion of the permit as

it has been rendered?

What -- where do the conditions have teeth? What can we do?

>> what's before you is the planning department's request

that D.B.I. Revoke these permits. I think you have to find

whether or not -- it's up to

you find whether or not the planning department erred

or abused its discretion. If you were to overturn the

zoning administrator's decision, then, it would go

back to D.B.I. And planning

to -- for the project sponsor

to come up with a solution. [Please stand by]

. >> -- very easy terms and conditions of support for that. There was abuse of the permit and the permit holder went well beyond the scope. That's easy.

But if -- if we do -- if we do that, the community has to

under that we -- there are no

teeth. There are no teeth in this whatsoever.

All we're doing is continuing

the blight, is continuing the rats, is continuing the danger, and that's a very sad thing.

If we don't, then, we give in my opinion undue license to the

property owner to continue down a path towards a situation where the building's going to disappear, so that's a loss.

But I -- so understand the community, I would like to make

a motion that we uphold the direction of the zoning administrator --

>> **Commissioner Honda:** I haven't spoken yet.

Would you like to --

>> **Vice President Swig:** yes. Fine.

But I would support the zoning administrator, even though it's

a loss.

>> **Commissioner Honda:** I agree with both my fellow commissioners. This is a really tough spot, and I think you as a community

which will probably be at the mission high school hall

tomorrow at 4:00 to 8:00 should

be careful what you ask for.

You know, this is a generational family that has done stuff for long times, and they probably have the ability to outwait you.

So by starting this process all

over again, you're going to see

blight there for quite sometime.

Even if it's approved in five or six years, then, it's another three to four to get built.

So I will -- there's nothing

decisive that would cause error

or abuse myself, but again, be

careful what you wish for.

>> **Commissioner Lazarus:** I would just add I think there's

been sufficient conversation to persuade the community, if

there's health and safety violations they should be

addressed aside from this.

So I -- I will be supporting the zoning administrator.

>> **Commissioner Honda:** and one last thing, sorry.

I generally do not support vacancy controls, but in this

particular case, I would wholeheartedly do so.

>> **President Fung:** is there a motion?

>> **Vice President Swig:** sure.

Motion to uphold the zoning administrator's recommendation

and position based on the fact

that the permit holder exceeded

the scope of the -- of the permit.

>> **clerk:** okay. So I think what you meant to say was you want to make a

motion to deny the appeal and

uphold the revocation request. >> Vice President Swig: absolutely. And also, I don't know how we can put this in, but I like commissioner honda's piece

about a recommendation to the

planning department to put on notice the health department

and other related departments

to -- to pay attention to this

building -- for illegal acts or whatever.

>> **clerk:** okay.

We can add that, I guess.

>> **Commissioner Honda:** there's no teeth --

>> **Vice President Swig:** no, but we've done worse.

>> **clerk:** they're on notice.

So this is a motion from vice

President Swig to deny the appel

appeal and uphold the revocation request because the permit holder exceeded the scope of the permit and to request the zoning administrator put other city

departments on notice of other violations.

On that motion --

[Roll Call]

>> **clerk:** okay. So that motion carries and that

appeal is denied.

>> **President Fung:** let's take a two-minute break.

>> **clerk:** welcome back to the

February 6, 2019 meeting of the board of appeals.

We are now on items 11-a and 11-b. Thank you very much for your patience.

This is -- these are appeal

numbers 18-162 and 18-163, carlos bocanegra versus the

department of building inspection.

Subject property is 2435 to

2445 SERVEth street, protesting the issuance on December 5,

2018 to 2445 16th street L.L.C.

Of a site permit.

The permit is to demolish an

auto repair shop, and erect

seven stories, one basement,

type one, mixed use building. And before we begin --

>> Vice President Swig: I would

like to disclose that I have

engaged in the past with braun

and martel, but that would not

inhibit my ability to make a fair jt

udgment on this case.

>> clerk: Mr. Boeing aneglect canegra, you have 14 minutes. >> I'm going to start with

several errors that were made by the planning department and

D.B.I. As a result of issuing

both these demolition and building permits. I'm going to be talking about

shadows, so I wanted to talk

about ceqa findings around environmental impacts. According to section 2101,

there's the legislative intent

of the ceqa guidelines is to

maintain a high quality

environment, now and in the future. And taking all actions necessary to protect, rehabilitate and enhanced environment quality of the state, and to take all action necessary to provide the people of this state, which would be the people that are going to

live in and around this neighborhood with enjoyment of

the aesthetic natural scenic and historical environmental

qualities that exist. And I'm going to contest that

at least those historical qualities, and the

environmental and nature

scene -- natural, scenic, and environmental impacts exist. As well as to create and maintain conditions under which

man and nature can exist in

productive harmony to fulfill

the requirements of future generations. I believe the permit holder is going to say we're past the

point of looking at this from

an environmental review-ceqa

standpoint, but according to

section 21166, no subsequent or supplemental environmental impact report shall be required

by the lead agency or any responsible agency unless one

or more of the following events occur. And the one that I think is most relevant here is definitely the subsection c which states that new

information that was not known and could not have been known

at the time of the environmental impact report was certified as completely becomes available. Right next to this project, I'm not sure I can project it, but right next to the project is going to be a nine-story building coming up.

The property address is 321 florida. It's at least double the width

of the current proposed project

that I'm appealing right now

and would be casting a shadow on franklin park square.

And now, they are putting their project forward, it is a foreseeable project that is moving forward, that this could

have a detrimental effect upon

this park and more importantly, the children that attend this park and count on it to be a

free and open space and with

proper sun light.

And just to add onto this, part of the section also states that the discussion should be guided

by the standards of practicality and reasonableness

when reviewing these new impacts.

And I'm going to start real quick with the importance of

open space and why it's so important. I notice that that was brought up by the appellant, and I think we have to make sure that

we are very cognizant that this park is especially joyed by

many kids -- enjoyed by many kids, a lot of low-income, colored children who do not have a lot of park space in the mission.

We're one of the few spaces in spisk san francisco to have park

space that is publicly available.

Public spaces whether playground, picnic fields or

even just engaging fields can give neighbors a realm in which

to get to know each other and

giving children a place to play. It can help address environmental justice across communities by providing accessible and low cost opportunities to san franciscans regardless of income level. More importantly, the provision of open space in areas with high concentration of density,

poverty, youth, or seniors can

redress equity issues, and we definitely know that the

mission district is one of the highest income inequality gaps with children and families facing displachl every day. If we look at these parks, there's going to be health

impacts on them, as well.

Finally, open space provides tangible economic effects to

the park, as well.

The more shade you put on the park, the less desirable it's going to be.

Just to keep track of time, you know, it's definitely

integrated and multifupgsal major theme from the outreach

process -- multifunctional

major them from the outreach

process was making the most of

what we have, creating a sense

of place, open spaces should aim to build on our city's

values and reflect the values

that we place on biodiversity and natural diversity.

To me, what's very important with those next two is equity and accessibility.

Open space and recreational problems should be equally

distributed and include all neighborhoods. And health and safety. Open space should increase the city's capacity to be a safe and healthy place to live.

It should promote interaction and healthy lifestyle by

providing opportunities for

social, cultural and community activities and a connection to nature. So in the mission area plan that was created, it was noted already here when they talked about streets and open space that the mission has a deficiency of open spaces serving the neighborhood.

Many areas are not within walking distance to an existing

park, and many areas lack

adequate places to recreate and relax. Almost 50% at the time this

plan was created were families. This was the most distinctive family neighborhood that was in existence, yet, we had a

deficiency of open space public parks because the people that existed there were low-income communities of color that the

city did not seem to care much about.

A total of 4.3 acres of open space should be provided in this area to accommodate expected growth.

So 4.3 acres were what were recommended for building. In the ten years that we've had

this project, the only project to come out has been the

project over at -- oh, I'm so

sorry, but it was at folsom and shotwell streets.

In looking at it, in total, one

acre is 174 square feet that should -- is 174,000 square feet of open space that should have been provided by now. We're failing these children,

and already there's a deficiency of open space

overall in san francisco. This is a study that showed

that open space totalled only 14% of san francisco. Additionally, in the motion that was created, originally by planning, they did admit that

the shadow cast by the proposed

project has a numerically significant effect. I'm going to contest that I believe that scope was too broad. It'll be too broad, particularly taken into account

that there's going to be a nine

story unit constructed next to

this one that is going to add

to the shadow density shown on that park. The closest school that is

nearby to this park is marshall elementary. Marshall elementary gets out

usually around 2:40, but there

are 120 students there that are

part of their mission graduates program.

Those children gets out around

5:00 or 6:00, right around when

this shadow is going to be cast.

When they looked at the shadow

cast, they looked at it in

terms of solar years.

Children don't live in solar years.

They're significantly reducing the amount of sunshine that they're going to get in the park.

Children like to run and play,

they like to play hide and go

seek, and run and play tag.

They utilize all of the park's surface area. I think the whole park should

be viewed in a holistic context

and' picked apart. The average sunset is around

6:53 so the children getting

out around 6:00 are only going

to have 53 minutes of sun light.

And the most important times in

the report that was recorded for shadow impact were the majority of the times that the

mark would be appeals, these are during school years, school

hours, and that means for 44

minutes, there's going to be a shadow that these kids are

going to have to be cast, in

addition to the shadow that's going to be cast by this nine-story unit that's going to be constructed.

The reason for the appeal on

the demolition permit was

because we're also in a crisis

of P.D.R. Right now that the

permit holder minimalized and I

think did not look at as well as they should.

So historically speaking, the

area south of market were

relegated to industrial uses. These industrial areas of the city have a special value given

that less than 5% of the overall city land remains dedicated to industrial use.

The limited supply of industrially zoned lands which

means P.D.R.S cannot relocate anywhere else in the city.

P.D.R., particularly for these working class low-income neighborhoods are very important because we're having

an excess of commercial, tech, and -- excess of commercial,

tech, and other jobs, but we're

not providing jobs for those

who may not have had the

opportunity of formal educations.

These people rely on P.D.R. --

rely on P.D.R. There's been a huge loss of

P.D.R. In and around this city.

Just this one, there's a 60 to 70% loss of P.D.R. In this area alone.

I know in the report, they had

mentioned a few other P.D.R. Places that would still

qualify, but I looked those up, and two of those had already gone out of business.

There was a study done by the map 2020 business, a coordination of community groups and the planning department.

They looked at dwelling units, loss and commercial

development, including P.D.R. Loss.

The ones that I highlighted in

total were -- if you look here, every other section and

category has seen a net gain.

P.D.R. Has seen a net loss of over 479,000 square feet.

We're losing something that

creates a diversity in this neighborhood.

There was a target for 100,000

to 150,000 square feet of P.D.R., I don't think we're

going to be getting there for a

while with a deficit of over 1,000.

And then, just another guiding principle from the mission area

plan, just to go back to shadows really quick, it says

that their parks and open space

and access to open spaces and

vistas be protected from development. Finally, I would just like to start -- I'm going to quickly

cover and say what's important

here, too, is I think planning

made an error in not doing a

closer review of this property.

It does have a historic and significant value.

It was created by the same

person that provided city hall. He is a famous builder within

the city, and I think that we

want to make sure -- his name

was -- George Wagner, but definitely looking at this space, it should have been checked --

>> Commissioner Honda: excuse me.

Your time is up. You'll have time under rebuttal.

What are you asking for? You've got a huge brief. You're talking about shadow

impact and loss of P.D.R. Space. So if the building's a story

less, what does that -- what

does that -- what shadow impact does that have? >> well, I recommended shadow

impact that was done by the same company. >> what would that be?

>> I think that's a 20-foot reduction. I was also looking over here at the mission area plan puts a heavy emphasis on family housing. This project is --

>> **Commissioner Honda:** that was

the question -- you answered my question. Thank you.

>> yeah.

>> **clerk:** thank you.

We will now hear from Mr. Vitel, attorney for the permit holder. >> good evening, good night. Steven vitel on behalf of the

permit holder.

This project site was rezoned,

the urban mixed use district in 2008 with the brzs. Consistent with that, the

planning commission approved the promg's large project

authorization after two public hearings in 2016. The L.P.A. Authorized

development of a six-story building with 53 dwelling units

and four ground floor P.D.R. Spaces.

17.5% of the units are on-site inclusionary units. The planning commission

determined that the minor new

shadow would not have a significant impact on the franklin square park.

Earlier this year, the planning department issued a finding that there were no ceqa impacts that were not

covered by the neighborhood's eir.

None of those 2016 findings were appealed.

No appeals were filed and those

entitlements were final in 2016. D.B.I. Properly issued a site

permit and a demolition permit

in December 2018 to implement

the 2016 land use approvals.

It asks the board to revisit

the discretionary land use entitlements that were approved

2.5 years ago and never appealed at that time. Appellant in his brief argues that the projects are inconsistent with the objectives of the eastern neighbor's rezoning and the mission area plan.

To the contrary, the project is consistent with those city

policies, conforms to the 68-foot height limit, it

maximizes housing, includes 44%

family sized two and

three-bedroom units, and also incorporates ground floor

P.D.R. Space. It's specifically -- the

project targets this area of

the mission for mixed use housing development.

The appellants also incorrecion in his assertion,

his brief that the missionary

mandates more -- [Inaudible]

>>-a zone for housing, that policy was already implemented

by the zoning when it approved

the U.M.U. Zoning in 2008.

it includes a super

inclusionary requirement, and

that was increased to 17.5% by the prop c trailing legislation

compared to 13.5% citywide.

This project meets that super

inclusionary percentage. In his brief, appellant asks the board to increase the number of inclusionary units in

that project from 17.5% to 19%. The city attorney has previously advised missions like this one that you don't

have the authority to increase or decrease inclusionary requirements on individual

projects on a case-by-case basis. In this case, the planning code is clear that the inclusionary requirement is 17.5%. Project already meets that high

bar, and there's nothing extraordinary about the project that would warrant this board

violating that planning code standard.

I'll return briefly to the P.D.R. Issue. I'll submit that the project is

also consistent with the P.D.R.

Land use. The city implemented that

policy in 200 # by rezoning

portions of the mission to P.D.R. 1 zoning district where housing is prohibited. However, the city chose to

rezone this site in 2008 to the U.M.U. District.

It calls for mixed use residential development and

does not mandate the retention

of existing P.D.R. Buildings or the inclusion of any new P.D.R.

Space in new buildings. Knew

now, in his brief, the appellant asks the project to

be further revised to include

two more P.D.R.S on the ground floor.

Let me now turn to the shadow issue. As you probably know, the

planning code prohibits new

structures that will cast

shadow in any park from one hour after sunrise to one hour

before sunset, unless the planning department determines

that a shadow will be -- will

not adversely affect the park.

This project increases the

shadow impact to 5.86%. The Macmum area covered by the

new shadow would be 0 to 7% of the park.

It would be cast from 5:45 P.M. From June to September in an

area of the park that's

shadowed by trees of the park right now

I do have -- per the overhead,

I can show you the maximum shadow that would occur in -- I

believe in August year-round.

The dark blue is the amount of

new shadow in this location after 5:45 P.M.

It doesn't touch the soccer area, the pick knock area or

the playground -- picnic area or the playground.

Based on this, the new shadow would not have a significant impact on the use of frampg lynn square park. The commission took into consideration the park is among

the sunniest in the city with a total shadow load less than 6 prs prgs.

The areas of the park used by

both adults and children would receive no new shadow.

Given these facts, neither the recreation and park commission nor the planning commission abused their discretion.

I would note that 295 of the

planning code, the shadow ordinance gives the planning code sole discretion to make

these terminations, and those

determinations are not

appealable for these reasons,

we request that the board not

agree with the appellant.

Let me conclude my raising the housing accountability act.

As you know, the California legislature enacted and

recently strengthened the

housing accountability act.

Appellant asks this board to

eliminate several units in the

project by increasing the ground floor P.D.R. Space and by reducing the height of the

project by 22 feet, however, the appellant presents no

evidence that the tiny amount of shadow on the park would cause a significant impact to public health and safety. For these reasons we submit that any reduction in fact number of units in the project

would violate the housing accountability act, and we urge

the board not to do that.

To conclude, neither the

planning commission nor D.B.I. Abused its discretion in approving the land use requirements and shadow determination or by issuing a

conforming site permit and demolition permit.

We request that you deny the appeal and uphold the demolition and site permits.

Let me just also briefly turn to the CEQA issues that the

appellant raised at the hearing today.

Once a proper CEQA

determination is issued which happened in 2016, the time to appeal that determination is after the first

approval.

The first approval was in 2016. The ceqa document was not appealed to the board of supervisors, it was not litigated. Such an appeal of the ceqa document is not before this board in 2018.

I would also note if there is a project on florida street next to this site that does propose a nine story building, it will go through its own ceqa process and section 295 shadow determination and could not be approved if it does cast a significant shadow on franklin square park.

But going backward s, not only is the ceqa issue not before this board, but there's no ceqa issue that's been shown by the appellant.

Thank you.

>> **clerk:** thank you.

We'll now hear from the planning department. >> thank you.

Scott sanchez, planning department.

The subject property is located

within the urban mixed use

zoning district. The project began in 2014 and

in August 2014, a P.P.A. Or preliminary project assessment was filed with the planning department.

The related entitlements and environmental review were

submitted in 2015, and in 2016,

the city first -- the rec-park commission held a shadow hearing on October 21, and prior to that, the planning commission held a hearing on

June 16 and approved the subject project. The environmental review was issued on March 27, 2016.

No appeal was timely filed after the issuance of the planning commission of the large project authorization nor

was there an appeal of the authorization itself that was approved by the planning commission. I believe their hearing date was June 23, 2016 when they

took those actions on the shadow and the large project authorization. Subsequent to that, I believe

they actually did a general

planner for a sidewalk bulb out

which was part of satisfying the conditions of the project so of course after entitlements

are granted, there's a lot of other work that goes in the permitting process as the site

is developed and the project needs to show that it complies

with the conditions of approval.

So through that work, there had been extensive work by the project sponsor to make Arthur

the project is in compliance

with the relevant approvals.

The demolition permit and

zoning permit was approved by this board.

I would note, again, that the rec-park commission and the planning commission did extensively consider that

matter and found that the

amount of additional shadow that was cast on the park would

not create an adverse impact.

And as such, they approved the shadow determination on it and

approved the project itself. So with that, I am available for any questions.

I think the proper process has

been followed here in terms of the project sponsor moving

forward with the application.

You know, certainly, timely appeals on the environmental review or the large project authorization would have brought this matter to light in this concerns at a much earlier time in the process. There's every right to file the appeal and the demolition permit and new construction

permits, but we don't believe that the material that's been presented show that there's

been any issues with the issuance of the subject ct permits. The viability has increased,

first at 16%, and then subject

to grandfathering at 17.5%.

There have been legislation to fine-tune some of those requirements.

Just to show the designation of

units has not occurred.

>> Commissioner Honda: and that does not include all the

additional community benefits that the sponsor makes. >> I can't speak to any other agreements. Thank you.

>> President Fung: scott, the December 7 deadline was

changing the affordability requirements, right? >> right.

In order to qualify for the
grandfathering provision, they
had to complete it by December 7.

This was issued on December 5. There was some recent ordinance
which just became effective on
January 7 which suddenly
changed that language and we will ensure that the project
when it comes to designation --

comes to designation, it is assessed the highest amount under proper law when it comes to the project.

>> **clerk:** thank you. Mr. Duffy? >> joe duffy, D.B.I.

Both the permitted were

approved properly by D.B.I. Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. Okay. And now we're onto public comment.

How many people are here? Okay.

If you can please approach.

You have three minutes.

>> marisa petrucelli, united to save the mission.

It was discovered that in the

historical -- the review of the

historical analysis and whether this building had any value as

a historical resource that

there were omissions that were made.

The survey omitted the fact that this building was

connected to George Wagner, and so subsequent review of this

building omitted this completely.

George Wagner was one of our most famous builders in San Francisco.

We're right now in a building, the most famous building that he built.

And he was prolific, and he

built a lot of buildings, but he was also an architect and

engineer, and as an architect and engineer, he built very few buildings, and there's one

building that we've identified

that's completely intact, and that's 2445 16th Street, and so

we feel that the demolition permit cannot go forward until

this review has been made of this information.

And this information was

completely omitted. Information about him was called out in the SOMA survey,

the SOMA industrial survey and

Page and Turnbull called out a large section about him

specifically because he was so famous for his work, and so important to San Francisco.

He also went on to build the Paramount Theater.

He also went on with a partner

to build stanford university.

He is highly significant as a person of -- that's associated

with the broad patterns of california history and also, you know this building is

associated with the hievs of -- of this person important in our

past, and so we feel like the

demolition permit, this is just just just specific to that, cannot

be issued until this issue has been reviewed sufficiently. Thank you.

>> **clerk:** thank you.

Next speaker, please. >> good evening again, board members.

I do want to stress the importance of show place square historic district. There's only -- there's some amazing buildings left there. I think there should be a lot

more care taken in reserving

the resource -- preserving the

resource that we have this. The building you just saw

really characterizes the type of industrial building that you saw there. This is kind of a new finding.

I think it does warrant some new review.

George wagner had a prolific career. If you see the building that's

proposed now, it's kind of out of place.

It's a manhattanization of 16th street, the most contrary

building you're going to see on

that street. Valuing the historic character of neighborhoods can preserve economic diversity.

I think this neighborhood can benefit from continuing to grow economic diversity.

As things are changing there,

we should grow ethnic diversity.

We're concerned about -- in the

nearby neighborhood, we've

actually had better community

benefits. There's zero community benefits

agreed to here. Nothing really came except for a meeting that was facility

tated a couple of -- facilitated a couple of weeks. I don't think I've heard no

from a sponsor in the entire

time working on the mission neighborhood.

We wanted to make the building appeal to the neighborhood a little better. There are a lot of artists spaces that are in danger in the neighborhood.

We've got to make sure we're

going to build buildings that support that.

if you drive that area at 8:00

in the morning, there are tons of kids walk that.

And at 5:45 in the evening, there are people walking their dogs in that area.

As far as the housing accountability act, that's an

old law that's been dusted off

by market rate developers.

It's been used one time by a

person in sausalito.

It was used recently in dublin

for a 400-unit complex around transit. Like I said, there's -- we wouldn't be here tonight if

we'd had a little bit more of a

community benefits thing worked out. I think this project is going

to have higher impacts than others in the area, so we

encourage you to take a look at this.

>> Commissioner Honda: sir, you

said earlier you were an architect? >> yes.

>> Commissioner Honda: is that P.D.R. Use aj? >>

-- usage?

>> I was trained as an

architect, but I am in metal

and woodworking.

>> clerk: thank you. Next speaker. >> thank you for your time tonight. The reason I wanted to make sure to stay on tonight was

because these folks had notified me I was involved early on in the process with this project. I do think it's significant if in fact what they're saying is

correct, that this is really

the only engineered and designed project impact that we're able to identify by him. That is something, and if that

makes it, you know, a meaningful potential historic

resource at this point, I do

think it should be looked at

before demolition permit is issued.

As you know, developers, we're

looking at these things ourselves. I do think it -- I don't know that means for you in terms of ruling, but it does seem to

make sense to say hey, let's look at this new information

that we just uncovered, that this May be a significant

building historically before a

demo -- making a ruling that demolition can occur.

>> **clerk:** okay. Is there any further public comment?

Okay, seeing none, we'll move

onto rebuttal. Mr. Bicycle

ocanegra, you have six minutes. >> okay. So I just wanted to address a few issues that came up. First of all, when it comes to

the timing of this, I was not in san francisco at the time that this came before the planning commission, so I would

not have made the 30-day deadline of the ceqa deal.

I was not aware of the fresh. I came in June of 2016, fresh to the city, so there was no way I could have known about this project. And then, just going back to

this again, it's not just an error, and an error that we

ve to look at, but we have to look at one of these environmental factors that

ceqa's allowed for this project, stating that new information which was not known and could not have been known at the time the environmental impact report was certified as completely becomes available. We do have new information.

There is a nine story building coming up that is going to be immediately adjacent to this project. The impacts for both buildings need to be looked at.

The project sponsors had this building since 2016.

These permits, I would want to

know why they've taken so long

for him to file them and get them through.

I was looking at a permit,

sitting there waiting for the fees to go filed for three months.

When I found out that, I asked

the project sponsor or owner to sit down for a meeting.

I ask those e-mails starting in May, and I did not get a response until after December, and that was from the

representative right now, steve

vitel. So for eight months, I was trying to bring them to the table to have a discussion. We have to did
velop and maintain a high quality environment now and in the future, take all

action necessary to provide the

people of this state with

enjoyment of aesthetic, natural and environmental qualities. I think it would be necessary

to take this project and look at the accumulative impact that

it's going to have with the

other project coming up. special emphasis should be placed on environmental resources that are rare or unique to that region.

I think both the nature of this

building being P.D.R. And how crucial and how distinctive that is for the mission neighborhood in alignment with parks that in this mission plan

was noted are in scarcity in the mission district should elevate this project and the project going through right now

that's going to be nine stories

is reasonably foreseeable. And the court here stated on the side of the appellant

saying that recently for you should prosecute wrongs that were not

just receiving entitlement but going through the process, as well.

I think we have to ask ourselves an important question. Do we value children and individuals that live here now or are we valuing the input of

an individual or may or may not

want to build here, who put

this property up for sale?

We have to ask ourselves, housing is important, but the housing balance report that came out recently stated that

in terms of housing

affordability, prop k said that

we should be at 32% by 2020. We're nowhere near where we need to be in the mission. This project is

going to bring us further behind. Setting aside those

affordability concerns, holistically, we have to look

at the health and well-being of the entire community. Having a job that's going to

enable you to have a living wage is important, particularly

right now, where even in the

memorandum that they presented stated that these kind of

buildings are going for \$1200 a

square foot at condos, and I -- as condos.

I looked a month ago, the average apartment in the

mission is \$3600. Children need sun light. It's critically important for them to play and to have an open space that they can feel is accessible. This building, paired with the

other building, could have a potential cumulative impact that is going to be significant.

My argument would be this is

already a significant impact because they broad brushed it.

I say look at the times when the children have an opportunity to play there. Now put that in tandem with the

project that's coming through right now, this project needs a second look. When this building is put up, that's it. It's going to be there for decades, so whatever harm is

going to be done is going to be

suffered decades by these

children by these communities.

It's going to be loss of P.D.R.

And loss of open space.

The person that constructed the

building has a huge historical significance to the city. He built the building that

we're in right now.

>> **clerk:** thank you.

Mr. Vitel? >> thank you.

I just wanted to address this

issue of -- of the historic resource issue.

the C.P.E. That was issued in

2016 did look at cultural

resources. There was a thorough historic survey of the northeast mission.

This building was not identified as a historic resource. The fact that a contractor

built that building and also built many other buildings does

not make it a historic resource unless the building is so

associated with that master builder more than any other building would be that it would be considered an historic resource. So the planning department did

a thorough survey several years

ago in the northeast mission, could not identify this building as a resource. For them to come up at a hearing today without presenting this evidence in their brief, without giving the planning department or us an

opportunity to look at it is

not fair, and finally, as I

said earlier, the C.P.E. And

ceqa documentation was completed

completed in 2016.

It was not litigated at that time. It's a final document not

subject to reopening, and if it was subject to reopening, it's

not the board of appeals that

handles ceqa appeals, so I

would urge you to uphold the site permit. Thank you.

>> **clerk:** thank you.

Mr. Sanchez, anything further? Mr. Duffy?

Commissioners, this matter's submitted. >> President Fung: commissioners? >> Commissioner Lazarus:

lateness of the hour, I'll simply say I haven't heard anything that leads me to

believe these permits should be

revoked.

>> **Commissioner Honda:** I also agree. I believe that although the brief was extremely long with a lot of information, I don't

believe there's a basis or

merit to overturn the permits

and that four years worth of process and the shadow process

is extremely extensive here in san francisco, extremely. And so without further adieu,

I'd like to make a motion, deny the appeal on the basis that

the permits were properly issued.

>> **clerk:** okay. We have a motion from commissioner honda to deny the appeals and up hold the permits on the basis they were properly issued.

On that motion -- [Roll Call]

>> **clerk:** okay.

So that motion carries, and the

appeals are denied.

>> **President Fung:** this meeting's adjourned.



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
49 South Van Ness Avenue, San Francisco, California 94103-1226
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 202305216

OWNER/AGENT: BOSCHETTI GIAMPAOLO

DATE: 17-MAR-23

MAILING

ADDRESS: BOSCHETTI GIAMPAOLO
955 PRAGUE ST
SAN FRANCISCO CA

LOCATION: 15 NOBLES AL

BLOCK: 0104 **LOT :** 021

NOTICE TYPE: ROUTINE

94112

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- | | | |
|---|---|--|
| 1 | THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. | 15 NOBLES ALLEY AND ALL COMMON AREAS. |
| 2 | PROVIDE SECTION 604 AFFIDAVIT (604 SFHC) | Provide affidavit of structural maintenance for all exterior appendages. Have a licensed general contractor, structural pest control licensee, or licensed professional architect or engineer inspect all exterior decks, balconies, landings, exit corridors, stairway systems, guardrails, handrails, fire escapes and all parts thereof and verify that each inspected area is in a safe and good working condition. A blank affidavit form, to be completed and returned, is attached to this Notice of Violation. Until affidavit is received, case cannot be abated. See attached. |
| 3 | SELF CERTIFIED SMOKE ALARMS AND CARBON MONOXIDE ALARMS AFFIDAVIT (420 SFBC) | Provide self-certification of the numbers of smoke and carbon monoxide detectors installed in the building. A blank affidavit form, to be completed and returned, is attached to this Notice of Violation. Until affidavit is received, case cannot be abated. See attached. |
| 4 | MAINTAIN FIRE ESCAPE DROP LADDER (801, 1001-b,m SFHC) | On reinspection day, owner or owner's representative must demonstrate the workability of all fire escape drop ladders or provide a certificate from a fire escape maintenance company indicating that the drop ladders are in good working condition. |
| 5 | PROVIDE EXIT SIGNS (1013 SFBC) | At time of inspection, no present of exit signs. Provide. |
| 6 | REPAIR STAIRWAY (802 SFHC) | At the rear stairway, several parts of the staircase was damaged or deteriorated. Have licensed contractor to identify the damaged or deteriorated wood membranes on this staircase. Repair or replace this staircase in an approved manner. PERMITS REQUIRED. |
| 7 | REPAIR DOOR (1001 SFHC) | At the back stairway, door under stairs damaged. Repair or replace. If replaced, PERMITS REQUIRED. |
| 8 | REMOVE EXCESSIVE STORAGE FROM GARAGE (1001-b,d,I,k SFHC) | At time of inspection, present of construction debris and storage in garage. Remove or provide fire sprinklers. If fire sprinklers installed, PERMITS REQUIRED. |



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NOTICE OF VIOLATION

COMPLAINT: 202305216

9 BID, EID & PID PERMITS (301 SFHC)

Repairs cited in this Notice may require a Building, Plumbing and /or Electrical Permit. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s). This case cannot be abated until the Housing Inspector makes a final inspection to verify that all violations have been corrected and all required permits have been obtained and finalized. On reinspection day, present to the Housing Inspector the Job Card, plans and permits indicating that all work under building, plumbing and electrical permits is complete. Prior to reinspection by Housing Inspector, call Building, Plumbing and Electrical Inspectors for required inspections.

10 INSPECTOR COMMENTS.

It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection as scheduled on this Notice of Violation for the purpose of providing the Inspector access to interior common areas, storage rooms, boiler room, garages, exit paths, basement and rear of building and to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s).

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 20 April 2023 10:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME .

CONTACT HOUSING INSPECTOR : Christina H. Dang AT 628-652-3386

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

NCTS_NOV.rdf revised 6/22/2011

**SAN FRANCISCO FIRE DEPARTMENT
PUBLIC RECORDS REQUEST FORM**

(San Francisco Sunshine Ordinance, Administrative Code §67.1 et. seq.)

Date: August 24, 2023

San Francisco Fire Department
Public Records Officer
698 Second Street, Room 224 FAX: (415) 558-3407

San Francisco, CA 94107
<FirePublicRecords@sfgov.org>

Requestor Name: Marc Bruno
Address: 15 Nobles Alley, Apt. 3
City / State / Zip: San Francisco, CA 94133
Telephone: 415-800-9139

Records Requested: (Please provide a reasonable description of the specific records) If more space is needed, please use an additional page.

All reports, action or other written material by Inspector Jame Onoe concerning his site-inspection to 15 Nobles Alley (a.k.a. 472 Union, or, District Lot No. 0104/ 021) made in August, 2023. The primary day of Inspector Onoe's visit was August 22, 2022, but there may have been follow-up days as well. The primary sit of the visit was a parking garage on the property.

Please email these records to me.

Thank you,
Marc Bruno
<marcabruno@yahoo.com>

Once records are available, you will receive written notification via the method chosen below. Ten (10) cents per copy will be charged before records can be collected. No fee is charged if request results in less than ten (10) pages.

Please indicate your preferred method for receiving a response: **(choose 1 only)**

US MAIL (to address listed above)

X EMAIL records to (provide email address): <marcabruno@yahoo.com>

Thank you!

Marc Bruno
15 Nobles Alley, Apartment 3
San francisco CA 94133
<marcabruno@yahoo.com>



London Breed
Mayor

Julie Rosenberg
Executive Director

AFFIDAVIT OF SERVICE

Marc Bruno, Appellant
15 Nobles Alley #3
San Francisco, CA 94133

I, Gary Cantara, Legal Assistant for the Board of Appeals, hereby certify that on this 20th day of **February 2019**, I served the attached **Notice of Decision for Appeal No. 18-134, Bruno vs. Department of Building Inspection**, subject property at **15 Nobles Alley & 472 Union Street**, on the appellant by mailing a copy via U.S. mail, first class, to the address above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California.

February 20, 2019
Date



Gary Cantara

cc: Joseph Duffy, Senior Building Inspector
Department of Building Inspection
1660 Mission Street, 3rd Floor
San Francisco, CA 94103

OTHER PARTIES
OR CONCERNED CITIZENS:

Paul Boschetti, Permit Holder
c/o Leo M. LaRocca, Attorney for Permit Holder
Niven & Smith, LLP
505 Sansome Street, Suite 450
San Francisco, CA 94111



BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARC BRUNO,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
Respondent)

Appeal No. 18-134

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on October 05, 2018, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on September 21, 2018 to Paul Boschetti, of an Alteration Permit (renovation of existing bath and kitchen in Unit 2 and in the studio unit on the first floor; to comply with NOV No. 201840721) at 15 Nobles Alley & 472 Union Street.

APPLICATION NO. 2018/08/27/8441

FOR HEARING ON December 05, 2018

Address of Appellant(s):	Address of Other Parties:
Marc Bruno, Appellant 15 Nobles Alley #3 San Francisco, CA 94133	Paul Boschetti, Permit Holder c/o Leo LaRocca, Attorney for Permit Holder Niven & Smith, LLP 505 Sansome Street, Suite 450 San Francisco, CA 94111

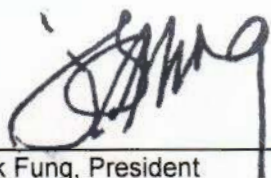
NOTICE OF DECISION & ORDER

The hearing on the aforementioned matter came before the Board of Appeals of the City & County of San Francisco on FEBRUARY 06, 2019.

PURSUANT TO § 4.106 of the Charter of the City & County of San Francisco and Article 1, §14 of the Business & Tax Regulations Code of the said City & County, and the action above stated, the Board of Appeals hereby **GRANTS THE APPEAL AND ORDERS** that the ISSUANCE of the subject permit by the DEPARTMENT OF BUILDING INSPECTION (DBI) is **OVERRULED**, and the DBI is hereby ordered and directed to **DENY** this permit on the basis that it was improperly issued.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO

Last Day to Request Rehearing: February 19, 2019
Request for Rehearing: None
Rehearing: None
Notice Released: February 20, 2019



Frank Fung, President



Julie Rosenberg, Executive Director



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
49 South Van Ness Av Suite#400
San Francisco, CA 94103

- FIRST NOTICE
- SECOND NOTICE
- OTHER:

COMPLAINT NUMBER

202200496

ADDRESS

15 Nobles Alley

DATE **12-23-2022**

OCCUPANCY/USE

R-2 / 24

BLOCK **0104** LOT **021**

CONST. TYPE

5

STORIES **3** BASEMENT

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT:

Boschetti Giampaolo

PHONE#:

MAILING ADDRESS:

955 Prague Street

CITY

San Francisco

ZIP

94112

PERSON CONTACTED @ SITE

PHONE#:

VIOLATION DESCRIPTION:

WORK WITHOUT PERMIT (SFBC 103.A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106.4.7);

EXPIRED PERMIT (SFBC 106A.4.4) CANCELLED PERMIT (SFBC 106.3.7) PA#: _____;

UNSAFE BUILDING (SFBC 102.A); SEE ATTACHMENTS

SFBC 103.A

A complaint investigation has revealed demo of plaster walls at the ground floor without the benefit of a building permit. Possibly an un-permitted toilet and sink was also observed.

MONTHLY MONITORING FEE Section 110A TABLE 1A-k

BC – Building Code HC – Housing Code PC – Plumbing Code [EC – Electrical Code] MC – Mechanical Code

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECTION VIOLATIONS WITHIN _____ DAYS. NO PERMIT REQUIRED.

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDING TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

File for and obtain building permit for all work at ground floor. If alterations to the layout of the lower storage area are to be made, then plans will be required. Permit application must state to comply with NOV. Obtain all required inspections to abate this NOV.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

9x Fee (Work w/o Permit after 9/1/60)

2x Fee (Work Exceeding Scope of Permit)

OTHER: _____ Re-inspection Fee\$ _____ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT N/A VALUE OF WORK PERFORMED W/O PERMITS \$900

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR Jimmy Guaiumi (jimmy.guaiumi@sfgov.org)

(Inspector – Print Name)

OFFICE HOURS 8:00 AM TO 9:00 AM AND 3:00 PM TO 4:00 PM

PHONE # (628)-652-3446

By:(Inspector's Signature) _____ DISTRICT # _____

- Building Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3450
- Housing Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3700
- Electrical Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3450
- Plumbing Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3450
- Code Enforcement Division
49 S. Van Ness Av, Suite# 400 (628) 652-3430

CC: DCP EID PID BID HIS CED CPC DAD SFFD DPH RPC

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor). (628) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. **If an Order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102.2 & 110.**

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Peimisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobraran al dueno del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de incanformidad, aumentando hasta un maximo de \$7,500 por cada edificio. Esta Sección tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta:por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y contua.mente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edicios de San Francisco impone multas civiles hasta de \$500 porcada dia a cualquier persona que infrinja, desobedezca, omite, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección tambien impone multas per delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de Jas ofensas y por cada dfa que dicha ofensa ocurra.

BABALA: Ang kabiguan na gumawa ng aksiyon tulad ng kinakailangan upang iwasto ang mga nasabing paglabag ay magreresulta sa paglilitis ng abatement ng Kagawaran ng Inspeksyon ng Gusali. Kung meron Order of Abatement ang naitala laban sa isang ari-arian, ang may-ari ay sisingilin o di kaya ang ari-arian ay gagamitin na lien sa lahat ng mga gastos na natamo sa proseso ng pagpapatupad mula sa unang "Paunawa sa Paglabag" hanggang sa lahat ng gastos ay mabayaran, SFBC 102A.2 & 110A.

BABALA: Ang Seksyon 204 ng Housing Code ng San Francisco ay nagtatakda ng agad-agad na multa na \$100 sa bawat halimbawa ng unang hindi pagsunod, at susundan ng multa na \$200 sa bawat paglabag sa pangalawang hindi pagsunod, hanggang sa sukdulan na \$7,500 sa bawat gusali. Ang seksyon na ito ay itinatakda na magsasampa rin ng kasong kriminal bilang isang misdemeanor sa bawat paglabag at magreresulta sa multa na hindi bababa ng \$1,000 sa bawat araw o di kaya sa anim na buwan na pagkabilanggo o parehong ipapataw.

BABALA: Sinumang kumikita sa pag-upa ng pabahay na tinukoy ng Kagawaran ng Inspeksyon ng Gusali na substandard, ay hindi maaring ibawas ang ganoong kita sa buwis sa estado ng kitang personal, at gayundin sa buwis na kita sa interes sa bangko at korporasyon, at sa depresasyon o mga buwis na maiiugnay sa gusaling substandard. Kung ang Gawain sa pagwawasto ay hindi nakumpleto o hindi masigasig, mabilis at tuloy-tuloy ang paggawa matapos ang anim (6) na buwan mula sa petsa nitong paunawa, ay magpapadala ng abiso sa Franchise Tax Board na itinakda sa Seksyon 17264(6) ng Revenue and Taxation code.

BABALA: Ang Seksyon 103A ng Building Code ng San Francisco ay nagtatakda ng mga multang sibil hanggang sa \$500 sa bawat araw sa sinumang lumabag, sumuway, magtanggap, magpabaya o tumanggap sumunod o di kaya sumalungat sa pagpapatupad ng mga probisyon nitong code. Nagpapataw din itong seksyon ng multang misdemeanor kapag nahatulan, ng hanggang sa \$500 at o di kaya anim na buwan na pagkabilanggo sa bawat magkahiwalay na pagkasala para sa bawat araw na nangyari ang ganoong pagkasala.

根據《三藩市建築法規》(簡稱 SFBC) 第 107.5 項和第 106.4.7 項條款的規定，對沒有許可證便已開始的工程和或正在進行的工程、或者超越許可範圍的工程，將收取調查費。當事人可以在許可證發出日起 15 天之內，調查費可以向許可上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 14 樓，電話：(628) 652-1150。

警告：如不按照要求立即採取行動，以糾正上述違章行為，將導致建築檢查局付諸強制糾正程序的執行。倘對此房地產頒發的強制糾正程序令一經在市府備案，則自這通知張貼日起的各項與此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

警告：《三藩市房屋法規》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違犯者罰款 200 元，每棟樓宇的最高罰款可達 7,500 元。此項法規還規定對每一違章違章者可提出刑事控告，每日最高罰款可達 1,000 元，或/和監禁六個月。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築檢查局定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築有關的折舊或撥款中扣除稅費。如果在此通告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地繼續進行，我們將根據《國家稅收法規》(即 Revenue & Taxation Code) 第 1264(c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：《三藩市建築法規》第 103 項條款規定：對於任何違反、不服從、疏忽、忽視、或拒絕遵照此法規者，或者抵制、反對實施此法規中的任何條款的個人，將付最高 500 元的民事罰款。此法規還規定對違法者，如果被定罪，對每天所發生的、每一單獨的犯法行為，將付予高達 500 元的罰款，和/或者監禁六個月。



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
49 South Van Ness Avenue, San Francisco, California 94103-1226
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 202305216

OWNER/AGENT: BOSCHETTI GIAMPAOLO

DATE: 17-MAR-23

MAILING

ADDRESS: BOSCHETTI GIAMPAOLO
955 PRAGUE ST
SAN FRANCISCO CA

LOCATION: 15 NOBLES AL

BLOCK: 0104 **LOT :** 021

NOTICE TYPE: ROUTINE

94112

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- | | | |
|---|---|--|
| 1 | THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. | 15 NOBLES ALLEY AND ALL COMMON AREAS. |
| 2 | PROVIDE SECTION 604 AFFIDAVIT (604 SFHC) | Provide affidavit of structural maintenance for all exterior appendages. Have a licensed general contractor, structural pest control licensee, or licensed professional architect or engineer inspect all exterior decks, balconies, landings, exit corridors, stairway systems, guardrails, handrails, fire escapes and all parts thereof and verify that each inspected area is in a safe and good working condition. A blank affidavit form, to be completed and returned, is attached to this Notice of Violation. Until affidavit is received, case cannot be abated. See attached. |
| 3 | SELF CERTIFIED SMOKE ALARMS AND CARBON MONOXIDE ALARMS AFFIDAVIT (420 SFBC) | Provide self-certification of the numbers of smoke and carbon monoxide detectors installed in the building. A blank affidavit form, to be completed and returned, is attached to this Notice of Violation. Until affidavit is received, case cannot be abated. See attached. |
| 4 | MAINTAIN FIRE ESCAPE DROP LADDER (801, 1001-b,m SFHC) | On reinspection day, owner or owner's representative must demonstrate the workability of all fire escape drop ladders or provide a certificate from a fire escape maintenance company indicating that the drop ladders are in good working condition. |
| 5 | PROVIDE EXIT SIGNS (1013 SFBC) | At time of inspection, no present of exit signs. Provide. |
| 6 | REPAIR STAIRWAY (802 SFHC) | At the rear stairway, several parts of the staircase was damaged or deteriorated. Have licensed contractor to identify the damaged or deteriorated wood membranes on this staircase. Repair or replace this staircase in an approved manner. PERMITS REQUIRED. |
| 7 | REPAIR DOOR (1001 SFHC) | At the back stairway, door under stairs damaged. Repair or replace. If replaced, PERMITS REQUIRED. |
| 8 | REMOVE EXCESSIVE STORAGE FROM GARAGE (1001-b,d,I,k SFHC) | At time of inspection, present of construction debris and storage in garage. Remove or provide fire sprinklers. If fire sprinklers installed, PERMITS REQUIRED. |



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 202305216

9 BID, EID & PID PERMITS (301 SFHC)

Repairs cited in this Notice may require a Building, Plumbing and /or Electrical Permit. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s). This case cannot be abated until the Housing Inspector makes a final inspection to verify that all violations have been corrected and all required permits have been obtained and finalized. On reinspection day, present to the Housing Inspector the Job Card, plans and permits indicating that all work under building, plumbing and electrical permits is complete. Prior to reinspection by Housing Inspector, call Building, Plumbing and Electrical Inspectors for required inspections.

10 INSPECTOR COMMENTS.

It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection as scheduled on this Notice of Violation for the purpose of providing the Inspector access to interior common areas, storage rooms, boiler room, garages, exit paths, basement and rear of building and to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s).

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 20 April 2023 10:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME .

CONTACT HOUSING INSPECTOR : Christina H. Dang AT 628-652-3386

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

NCTS_NOV.rdf revised 6/22/2011



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
49 South Van Ness Avenue, San Francisco, California 94103-1226
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 202304760

OWNER/AGENT: BOSCHETTI GIAMPAOLO

DATE: 17-MAR-23

MAILING

ADDRESS: BOSCHETTI GIAMPAOLO
955 PRAGUE ST
SAN FRANCISCO CA

LOCATION: 15 NOBLES AL

BLOCK: 0104 **LOT :** 021

94112

NOTICE TYPE: COMPLAINT

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- | | | |
|---|--|--|
| 1 | THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. | 15 NOBLES ALLEY #3 AND ALL COMMON AREAS. |
| 2 | REPAIR DAMAGED WALLS AND CEILINGS (1001 SFHC) | In the bathroom, present of damaged walls and ceilings. Repair or replace. If replaced, PERMITS REQUIRED. |
| 3 | REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE LEAD HAZARD WARNING. (1001-b,d,k, 1301 SFHC) | Repaint all areas where paint is removed or damaged or where surfaces are repaired. |
| 4 | REPAIR WINDOWS (505, 1001 SFHC) | In the following areas, present of damaged frame and glass of windows:
a) kitchen
b) bathroom

Repair or replace. If replaced, PERMITS REQUIRED. |
| 5 | BID PERMITS (301 SFHC, 106A SFBC) | Repairs cited in this Notice may require a Building Permit. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit. This case cannot be abated until the Housing Inspector makes a final inspection to verify that all violations have been corrected and all required permits have been obtained and finalized. On reinspection day, present to the Housing Inspector the Job Card, plans and permits indicating that all work under building permit is complete. Prior to reinspection by Housing Inspector, call Building Inspector for required inspections. |
| 6 | INSPECTOR COMMENTS. | It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection as scheduled on this Notice of Violation for the purpose of providing the Inspector access to interior common areas, storage rooms, boiler room, garages, exit paths, basement and rear of building and to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s). |



DEPARTMENT OF BUILDING INSPECTION

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NOTICE OF VIOLATION

COMPLAINT: 202304760

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 20 April 2023 10:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME .

CONTACT HOUSING INSPECTOR : Christina H. Dang AT 628-652-3386

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

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Complaint #	21505128	Date Entered	3/24/2023 10:58:53 AM
Location Description	15 NOBLES ALY NOBLES ALY: START: 1-99 BLOCK to GRANT AVE (1 - 99)	Entered By	Moises Vertiz
Focus	Complaint / Generic	Block / Lot	0104 021

Complaint Description: GenericForm - dpw - bsmcomplaint: complaint that the double steel doors (i.e. freight elevator access) on sidewalk must be secured or sealed shut. Reason: On 2-1-23 the police were called to location because a person had trespassed into area below the sidewalk. The police report number 230077148. Caller has photos of underground space that was broken into. The property landlord has promised to repair the steel doors but has not followed through. Complainant and police have both suggested a fire can happen again if someone should re-enter the space. Also there was previously a fire at location which required SFFD to put out fire. The city should have records of this. Info from 311 Call Center - Mar 21 2023 11:27AM: The following information was provided:

Action Taken [Print](#)
NTR:1234983 [Print](#)

Date Notified 03/27/23 Date Inspected 03/27/23 Date Closed Jun 13 2023 1:51PM

Assigned Fady Khoury Inspected By Tommy Yeung

Condition Found	Remarks - Action Needed
Protruding metal access door on sidewalk	

reference id **NTR:1234983** NTR **1234983**

Inspected By Tommy Yeung Cancel Date days to fix 30
 Inspection Date Extension Date SW Sq Ft 1
 Notice Date 03/27/2023 Abatement Date Curb Linear Ft 0
 2nd Notice 5/18/2023 Completion Date 6/13/2023 Approval Date

Remarks / Action Needed: Reset and lock protruding metal access door to be level with sidewalk. Slip resistant surface treatment required per City specifications. Street Space Permit SW Repair Permit

id	date insp.	repaired	quantity	cost	defect	location	fix within
3358281	03/27/2023	6/13/2023	1	\$0.00	Elevator Doors. **	NOBLES ALY: START: 1-99 BLOCK to GRANT AVE (1 - 99)	15
3360152	03/27/2023	6/13/2023	1	\$0.00	Sub Sidewalk Basement. **	NOBLES ALY: START: 1-99 BLOCK to GRANT AVE (1 - 99)	15

Pictures & Files

linkedto



 <p>taken: 5/17/2023</p>	 <p>taken: 5/17/2023</p>	 <p>taken: 5/17/2023</p>	 <p>taken: 6/6/2023</p>
 <p>taken: 6/6/2023</p>	 <p>taken: 6/6/2023</p>	 <p>taken: 6/6/2023</p>	 <p>taken: 6/13/2023</p>
 <p>taken: 6/13/2023</p>	 <p>taken: 6/13/2023</p>	 <p>taken: 6/13/2023</p>	 <p>taken: 6/13/2023</p>
 <p>taken: 6/13/2023</p>	 <p>taken: 6/13/2023</p>	 <p>taken: 6/13/2023</p>	



NOTICE THAT SIDEWALK REPAIRS ARE REQUIRED

City and County of San Francisco
Department of Public Works-Bureau of Street-Use and Mapping
49 S Van Ness Ave, 3rd Floor,
San Francisco, CA 94103
Tel. (628) 271-2000.

Date: 3/27/2023

To the Property Owner or Agent of the property below:

(ADDRESS/LOCATION) 15 Nobles Aly

City and State codes (State Highway Code 5611/Public Works Code Sec. 706) require owners to maintain the sidewalk adjacent to their property. By this Posting and forthcoming mailing, **YOU ARE HEREBY NOTIFIED** that you are required to commence repairs, reconstruct, or improve the sidewalk fronting your property **within 30 days of the mailing**.

This includes making repairs when a sidewalk is damaged and can include:

REF# 21505128
.....
.....

- Missing pavement
- Raised, sunken or uneven pavement
- Holes or cracks in the pavement
- Missing sewer vent covers.

⊙ insert pad lock metal access door on sidewalk
Prohibition

The Street Inspector has placed WHITE markings on your sidewalk to indicate areas needing repair. Other colored markings indicate repairs to be made by others, including PG&E, AT&T, S. F. Water Department, etc. Please note that if the repairs are not commenced within 30 days, the Director of Public Works may order the repairs to be completed and you will be responsible for all expenses. Those expenses may be placed as a lien against your property.

You will be receiving a notice in the mail that will provide you with further information, including:

- The extent of damage identified
- A timeframe to commence repairs
- Opportunities to replace damaged pavement with landscaping instead of new concrete

If you do not receive your MAILED 'Notice to Repair Sidewalk' within 10 days, please contact the inspector whose phone number appears below or the inspector's supervisor, [Matt Czajkowski@sfdpw.org](mailto:Matt.Czajkowski@sfdpw.org) (628) 271-2048

Please keep in mind that all work must be done in accordance with the Standard Specifications of the Department of Public Works (please see the back of this Notice).

The following permits may be required:

- Sidewalk Repair / Street Space Permit(s): Please contact the Bureau of Street-Use & Mapping, 49 S Van Ness Ave, 2nd Floor, San Francisco, CA 94103, Tel. (628) 271-2000.
- Street Improvement / Street Space Permit(s): Please contact the Permit Section of the Bureau of Street-Use and Mapping, 49 S Van Ness Ave, 2nd Floor, San Francisco, CA 94103, Tel. (628) 271-2000.

Please present a copy of the mailed Notice to Repair Sidewalk (NTR) and inspection report to the permit agency when applying for your permit in person or by mail. If you do not receive your mailed NTR within 10 days, please contact the inspector whose name and phone number appears below.

You are encouraged to contact us as soon as possible to answer any questions, or to discuss the necessary repairs and available options.

Please **Email Inspector, Tommy Yeung** at Tommy.Yeung@sfdpw.org or call (628) 271-2054.

The inspector serving this notice is available at the above telephone number on weekdays, between 7:00 to 10:00 AM

For **tree-related matters** or to **request a landscaping permit**, contact Bureau of Urban Forestry at (628)652-8733 or urbanforestry@sfdpw.org



April 14, 2023

Owner: BOSCHETTI GIAMPAOLO
955 PRAGUE ST
SAN FRANCISCO CA
94112

Address: 15 NOBLES AL,
Block: 0104 Lot: 021 Seq: 00
Tract: Case: BW1
Hearing Number : 202200496
Inspector: Lam
Phone: (628) 652-3418

NOTICE OF DIRECTOR'S HEARING

Date and Time of Hearing: May 2, 2023, 9:30:AM
49 South Van Ness Av., San Francisco, CA 94103-1226, Room 0194

TO OWNER(S), LESSEE(S), TENANT(S) AND OTHER PERSONS OF INTEREST:

In accordance with provisions of the San Francisco Building Code, the described premises were inspected and violation(s) were found to exist. The list of Violation(s) have been mailed to the Owner(s) of Record or agent(s) and compliance has not occurred. Therefore, the Director of the Department of Building Inspection has probable cause to believe the building, structure or a portion thereof is an unsafe building or property.

Failure to comply with the decision of the Director may result in the revocation of the Permit of Occupancy and/or Certificate of Occupancy of the subject premises.

The Owner(s) of Record or the duly authorized representative is notified to appear at the Hearing to be held on the date shown above, at which time the Director of the Department of Building Inspection will consider the violation(s) and that the building is unsafe and a public nuisance.

WARNING

Failure to comply with this request will result in further abatement proceedings. If an Order of Abatement is issued from the Director's Hearing, you will be billed for the entire cost incurred in the code enforcement process, from the posting of the first "Warning of Violation" until the matter is resolved per San Francisco Building Code Sections 102A.3, 110A, Table 1A-G & 110A Table 1A-K.

The Owner(s) of Record is instructed to notify the holder(s) of any Mortgage(s) or Deed(s) of Trust secured by this property of these proceedings. Also, the Department of Building Inspection shall be advised of the name(s) of holder(s) of any Mortgage(s) or Deed(s) of Trust on this property.

BY ORDER OF THE DIRECTOR OF DEPARTMENT OF BUILDING INSPECTION.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick O'Riordan".

Patrick O'Riordan, C.B.O, Director
Department of Building Inspection

Code Enforcement Division
49 South Van Ness Ave, Suite 400 San Francisco, CA 94103-1226
Office (628) 652-3430 - www.sfdbi.org



DEPARTMENT OF BUILDING INSPECTION

Code Enforcement Section
City and County of San Francisco
49 South Van Ness Av, 4th Floor, San Francisco, CA 94103-1226
Tel. (628) 652-3430 FAX. (628) 652-3439 Email: dbi.codeenforcement@sfgov.org
Website: www.sfgov.org/dbi

DIRECTOR'S HEARING INFORMATION SHEET

You have been scheduled for a Director's Hearing because Department records indicate that outstanding code violations remain per those cited on the attached Notice(s) of Violation or that corrected items have not been verified by the assigned Inspector through a site inspection. This Information Sheet will give you guidance on how to prepare for this hearing.

- STEP ONE:** Attend the Hearing at the scheduled date, time and location specified. If you cannot attend the hearing you may send a knowledgeable representative that will provide the information indicated below.
- STEP TWO:** Review the attached Notice(s) of Violation. Ensure that you have complied with all violations listed in the manner indicated, and/ provide information on these items per the guidelines below.
- STEP THREE:** Bring to the hearing all the information related to your violations per the following.

IF ALL THE VIOLATIONS HAVE BEEN CORRECTED:

- Secure a final inspection with the appropriate Housing, Building, Plumbing, or Electrical Inspectors prior to the scheduled Hearing.
- Bring signed/completed job cards for all work requiring building, plumbing, or electrical permits.
- Bring all required signed affidavits related to building appendage safety, smoke detectors, carbon monoxide alarms or design professional report if applicable to any unsafe conditions .
- Proof of payment required to register property per provisions of Vacant Building Ordinance Or Vacant Storefront Ordinance \$711 Or Proof that Building should not be subject to the provisions of the Vacant Building Ordinance Or Vacant Storefront Ordinance
- Proof that the Building has comply and met all requirements under the Soft Story Program via proof of CFC and or exemption approved by TSD
- Proof of compliance with PID Boiler Program by renewing signed/completed PTO permit or signed/completed permit to decommission boiler

IF ALL, OR A PORTION OF THE VIOLATIONS REMAIN OUTSTANDING BRING: (Note that not all the items below may be applicable)

- All applications & plans for submitted permit applications, and job cards for issued permits
- All inspection activity information for requisite issued permits
- Invoices/certifications from third party vendors that have completed violation abatement services such as but not limited to, pest control abatement, plumbing/electrical/roof repairs, fire escape repairs, and fire alarm testing.
- Required signed affidavits for building appendage safety, smoke detectors, or carbon monoxide alarms if applicable.
- Proof of registration/ insurance/ maintenance/ security provisions of Vacant Building Ordinance Or Vacant Storefront Ordinance.
- Copies of contracts from third party vendor services necessary to abate cited violations.
- Photographs documenting requisite repairs.
- Information that you have secured all necessary inspections to verify work completion.
- A fire damage action plan per Sec.106A.1.14.2 where residential occupants have been displaced with a description of the steps taken and the methods used to stabilize and secure the subject building and premises.

BUILDING OWNER'S RIGHTS & DUTIES

- **Hearing Attendance:** It is the property owner's duty to attend the Director's Hearing or send a knowledgeable representative to show cause why outstanding code violations have not been abated, and bring information to clarify these conditions. If the property owner or their representative cannot attend the hearing they may submit (before the hearing) written testimony to the hearing officer.
- The following information will be required to be submitted within three (3) business days prior to the hearing:
 - Case number and Address
 - Property representative's information and phone number that will be joining the in-person hearing or the teleconference hearing
 - Relevant documentation concerning the code enforcement process for this Property
 - If property representative will need translator
- **Hearing Format:** The property owner should understand the format of the Director's Hearing. The cases will be called and reviewed by the Hearing Officer in the order they appear on the Agenda, which is posted outside the hearing room. Therefore it is important for the property owner or others that will give testimony to arrive at the time specified on the *Notice of Director's Hearing*.
 - The Hearing Officer will take the Department staff presentation first, and then ask for testimony from the property owner/representative, building occupants, and the public. After being sworn in, they will have an opportunity to present evidence, and ask questions.
- **Continuances:** The property owner should be aware that they may request a one-time 30 day continuance from the Hearing Officer for good cause only on a case by case basis. These requests should be submitted to the Hearing Officer in writing, in advance of the hearing, and explain the reasons for the continuance. The Hearing Officer will determine whether or not to grant this request.
- **Hearing Actions:** The property owner should be aware of the possible outcomes of the Hearing. The Hearing Officer's actions could include but are not limited to,
 - Issuing an Order of Abatement that would be recorded on the property record.
 - Taking the case under advisement for not more than 21 days, and Issuing an Order of Abatement if all the outstanding violations are not resolved within the advisement period.
 - Referring the case back to staff for good cause
 - Issuing a one-time continuance for good cause not to exceed 30 days.
 - Dismissing the proceedings for good cause.
- **Appeals:** The property owner should be aware of the appeal process. If an Order of Abatement is issued by the Hearing Officer, the property owner can appeal this decision to the Abatement Appeals Board within 15 days of the posting of the Order at the subject property, or when the Order is placed in the USPS mail, whichever date is later. This information is also provided on the Order of Abatement.
- **Assessment of Costs:** The property owner has a right to know that after the compliance date specified on the Notice(s) of Violation all outstanding Code Enforcement Cases are subject to Assessment of Costs pursuant to Section 102A.7 of the San Francisco Building Code. This information has previously been provided in detail as an attachment to the issued Notice(s) of Violation.
- Note that all time frames indicated in this Information Sheet are in calendar days unless otherwise specified.
- If you have any questions about this process please contact the Code Enforcement Section at (628) 652-3430 Or at dbi.codeenforcement@sfgov.org



NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION NOTICE: 1
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

NUMBER: 202200496
DATE: 23-DEC-22

ADDRESS: 15 NOBLES AL

OCCUPANCY/USE: R-2 (RESIDENTIAL- APARTMENTS & CONDOMINIUMS W/3) BLOCK: 0104 LOT: 021

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: BOSCHETTI GIAMPAOLO
MAILING: BOSCHETTI GIAMPAOLO
ADDRESS: 955 PRAGUE ST
SAN FRANCISCO CA

PHONE #: --

94112

PERSON CONTACTED @ SITE: BOSCHETTI GIAMPAOLO

PHONE #: --

VIOLATION DESCRIPTION:

	CODE/SECTION#
<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	103A
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106A.4.4; 106A.3.7
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102A.1

A complaint investigation has revealed demo of plaster walls at the ground floor without the benefit of a building permit. Possibly an un-permitted toilet and sink was also observed.
Code/Section: SFBC 103.A

Monthly monitoring fee applies.
Code/Section: SFBC 110A, Table 1A-K

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

- FILE BUILDING PERMIT WITHIN 30 DAYS (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SHUTOFF.
- CORRECT VIOLATIONS WITHIN DAYS. NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

File for and obtain building permit for all work at ground floor. If alterations to the layout of the lower storage area are to be made, then plans will be required. Permit application must state to comply with NOV. Obtain all required inspections to abate this NOV
INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x FEE (WORK W/O PERMIT AFTER 9/1/60) 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
- OTHER: REINSPECTION FEE \$ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)
- APPROX. DATE OF WORK W/O PERMIT VALUE OF WORK PERFORMED W/O PERMITS \$900

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Jimmy Guaiumi

PHONE # 628-652-3446

DIVISION: BID

DISTRICT :

By:(Inspectors's Signature) _____



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

Pursuant to SFBC 107A.5 and 106A.4.7 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor), (628) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be billed for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102A.2 & 110A.

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure, if correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103A of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107A.5 y 106A.4.7 de al Código de Construcción, de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 102A.2 y 110A de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de incumplimiento, seguida por una multa, de \$200 por cada segunda infracción de incumplimiento, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresas, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rápidamente y continuamente acusado despues de seis(6) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103A de el Código de edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omite, descuide, se niega a cumplir, resista o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurre.

Sang-ayon sa SFBC 107A.5 at 106A.4.7 ang bayad sa pag-aaral ay siingilin sa mga gusaling neumpisahan na o ginawa na walang permit o sa mga gawing labis sa sakop ng permit. Ang gayong singil ay maaaring lapata sa Board of Permit Appeals sa loob ng 15 na araw mula sa pag-isyu ng permit sa 49 South Van Ness Ave., suite 1475 (14th palapag), (628)652-1150.

BABALA: Ang katiguan na gumawa ng aksiyon tulad ng kinakailangan upang iwesto ang mga nasaibing paglabag ay magresulta sa paglilitis ng abatement ng Kagawaran ng Inspeksyon ng Gusali. Kung meron Order of Abatement ang naitala laban sa leang ar-arian, ang may-ari ay siingilin o di kaya ang ar-arian ay gagamitin na lian sa lahat ng mga gastos na natamo sa proseso ng pagpapalupad mula sa unang "Pangunahang Paglabag" hanggang sa lahat ng gastos ay mabayaran, SFBC 102A.2 & 110A.

BABALA: Ang Seksyon 204 ng Housing Code ng San Francisco ay nagtatakda ng agad-agad na multa na \$100 sa bawat halimbawa ng unang hindi pagpuno, at kasundan ng multa na \$200 sa bawat paglabag sa pangalawang hindi pagpuno, hanggang sa sukduhan na \$7,500 sa bawat gusali. Ang seksyon na ito ay itinatagda na magesampa rin ng kaibang kriminal bilang leang misdeemeanor sa bawat paglabag at magresulta sa multa na hindi bababa ng \$1,000 sa bawat araw o di kaya sa anim na buwan na pagkabilanggo o parehong ipapatay.

BABALA: Sinumang lumikita sa pag-upa ng pabahay na tinukoy ng Kagawaran ng Inspeksyon ng Gusali na substandard, ay hindi maaaring ibawas ang ganapong kita sa buwis sa estado ng kiting personal, at gayundin sa buwis na kita sa interes sa bangko at korporasyon, at sa depresasyon o mga buwis na malingunay sa gusaling substandard. Kung ang Gawran sa pagwawasto ay hindi nakumpleto o hindi maingat, mabibilis at tuloy-tuloy ang paggawa matapos ang anim (6) na buwan mula sa pates nitong pangunahang, ay magpapalata ng abiso sa Franchise Tax Board na itinatagda sa Seksyon 17264(6) ng Revenue and Taxation Code

BABALA: Ang Seksyon 103A ng Building Code ng San Francisco ay nagtatakda ng mga multang sibil hanggang sa \$500 sa bawat araw sa anumang lumabag, sumuway, magunggal, magpapabaya o tumangging sumunod o di kaya sumatungat sa pagpapalupad ng mga problesyon nitong code. Nagpapataw din itong seksyon ng multang misdeemeanor kapag nahatulan, ng hanggang sa \$500 at o di kaya anim na buwan na pagkabilanggo sa bawat magkahiwalay na pagkasala para sa bawat araw na nangyari ang ganapong pagkasala.

根據《三藩市建築條例》第107.5條和第106.4.7條，對未經許可的建築工程或超出許可範圍的檢查，將會收取檢查費用。對該費用可以作出上訴，可以在許可證發出的15天之內，向「上訴委員會」(Board of Appeals) 作出上訴。上訴委員會地址：49 South Van Ness Ave., Suite 1475 (14th Floor)，電話：(628) 652-1150。

警告：如果沒有立即採取行動更正以上的違規情況，可能會引致檢控或檢控局開始執法行動。如果執法命令正式紀錄於該物業，業主可能會收到罰單，或者該物業會被抵押，用於支付從該物業第一項「違規通知」開始，在執法過程中所產生的所有費用，直至所有費用付清為止。
《三藩市建築條例》第102.2條和第110條。

警告：三藩市房屋條例第204條對最初的違規會立即處以每項100元的罰款，接下來會對第二次的違規處以每項200元的罰款，最高可以對每項違規處以7,500元的罰款。該條例還可以對每項違規處以輕微罪行的刑事檢控，可處以每口最少1,000元的罰款或6個月的監禁，或兩者並罰。

警告：任何從住字樓查獲認為低於標準的房屋中獲取租金收入的個人，對於該低於標準的建築結構，將不能用於減免州的個人所得稅和銀行以及企業的所有權稅利息、折舊或適用於該房屋的稅項。如果在該通知日期的6個月之後，更正工程尚未完成，或者沒有努力、快速和繼續進行有關工程，有關通知將會根據《收入及稅務條例》第17264 (6) 條款寄給加州平稅委員會。

警告：三藩市建築條例第103條可給予每天最高可至500元的行政罰款，對任何違反、不遵從、違漏、疏忽或拒絕遵守或反對執行該條例的任何條款。該條款可給予輕微罪行的罰款，一經定罪，可以對每一項單獨的違規，違規期間的每一天，處以最高500元和/或最高6個月的監禁。

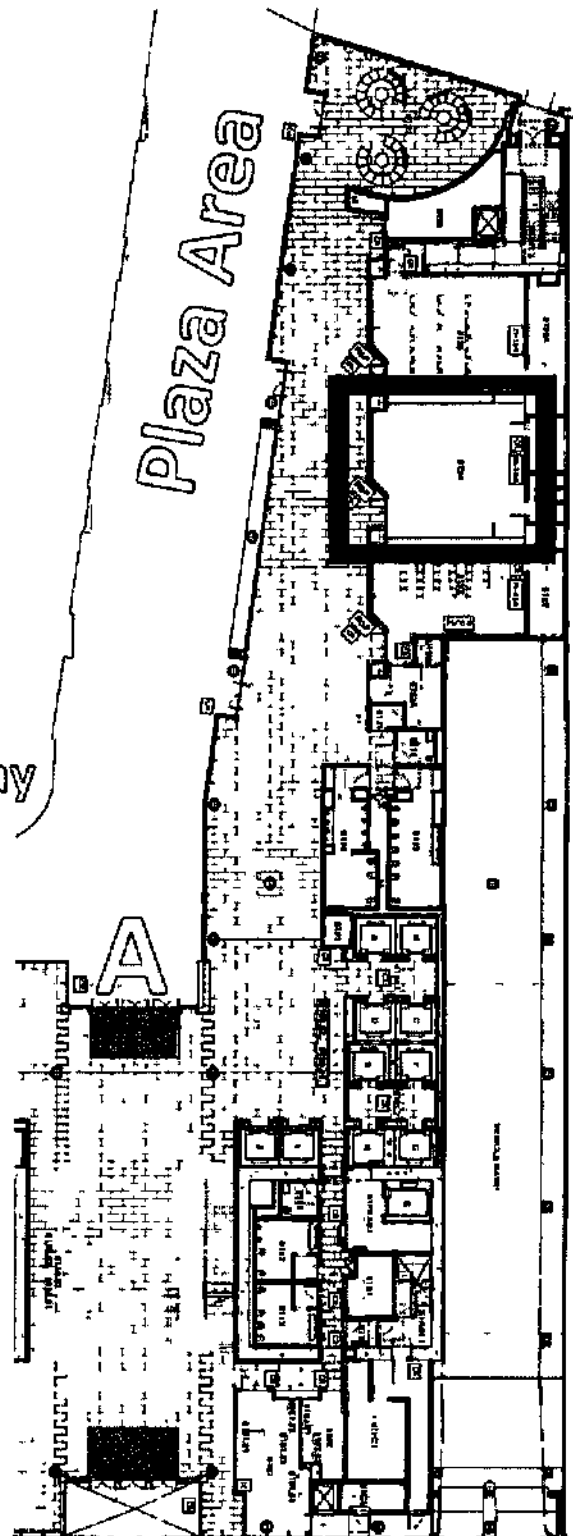


Our new offices are located at 49 South Van Ness in San Francisco. The entrance, labeled 'A' on the map, is accessible from either the walkway leading from Mission Street, or the plaza area leading to South Van Ness.

Mission Street Walkway

The large red square on the map is the location of the hearing room. Please check the signage when you arrive to 1) Be sure your case is being heard today, and 2) ensure that the meeting location wasn't changed at the last minute. If it **HAS** been changed, there should be signage erected to direct you to the new location.

Please see other side for more meeting information and requirements.





Coronavirus (COVID-19) Safety Protocols

Please do not visit if you have:

- **Any COVID symptoms, including: Fever, Dry cough, Sore throat, Diarrhea, Headache, Loss of taste or smell, Difficulty breathing or shortness of breath, Chest pain or pressure, Loss of speech or movement**
- **Tested positive for the virus in the past 10 days**

If any of the above listed items are true, please arrange to have an agent or representative appear in your place.

RECORDING REQUESTED BY:
DEPT. OF BUILDING INSPECTION

WHEN RECORDED RETURN TO:
DEPT. OF BUILDING INSPECTION
CODE ENFORCEMENT
49 South Van Ness Avenue, 4th Floor
SAN FRANCISCO, CA 94103

ORDER OF ABATEMENT

15 NOBLES AL

Block\Lot\Seq. - 0104 \ 021 \ 00

NO. 202200496A

BW1 - DH 02-MAY-23

City and County of San Francisco
Department of Building Inspection



London N. Breed, Mayor
Patrick O'Riordan, C.B.O., Director

ORDER OF ABATEMENT

May 19, 2023

Owner:

BOSCHETTI GIAMPAOLO

Property Address: 15 NOBLES AL,

Block: 0104

Lot: 021

Seq: 00

Tract:

Case: BW1

Complaint: 202200496A

Inspector/Division: Lam

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102A.6 & 102A.7 ORDER NO. 202200496A

HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON May 2, 2023 IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102A.5. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. THE OWNER WAS NOT REPRESENTED

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTE A PUBLIC NUISANCE UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:

File for and obtain building permit for all work at ground floor. If alterations to the layout of the lower storage area are to be made then plans will be required. Permit application must state to comply with NOV. Obtain all required inspections to abate this NO

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.

APPEAL: PURSUANT TO SECTION 105A3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105A2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 49 South Van Ness Ave, Suite 400, San Francisco, CA 94103, tel: (628) 6523517, 6523430, AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN FIFTEEN (15) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.


John Hinchion, Chief Building Inspector
Department of Building Inspection

Very truly yours


Patrick O'Riordan, C.B.O., Director
Department of Building Inspection

Code Enforcement Division
49 South Van Ness Ave, Suite 400 San Francisco, CA 94103-1226
Office (628) 652-3430 - FAX (628) 652-3439 - www.sfdbi.org



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
49 South Van Ness Avenue, San Francisco, California 94103-1226
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 202311891

OWNER/AGENT: BOSCHETTI GIAMPAOLO

DATE: 08-AUG-23

MAILING

ADDRESS: BOSCHETTI GIAMPAOLO
955 PRAGUE ST
SAN FRANCISCO CA

LOCATION: 15 NOBLES AL

BLOCK: 0104 LOT : 021

94112

NOTICE TYPE: COMPLAINT

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- | | | |
|---|--|--|
| 1 | THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. | 15 NOBLES ALLEY #3 AND ALL COMMON AREAS. |
| 2 | PROVIDE WATER HEATER SEISMIC BRACE (1001g SFHC) | At the kitchen, water heater is missing a seismic brace. Provide. |
| 3 | INSPECTOR COMMENTS. | It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection as scheduled on this Notice of Violation for the purpose of providing the Inspector access to interior common areas, storage rooms, boiler room, garages, exit paths, basement and rear of building and to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s). |

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 26 September 2023 10:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME .

CONTACT HOUSING INSPECTOR : Christina H. Dang AT 628-652-3386

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

NOTICE OF VIOLATION WARNINGS! (Continued from page 1)

PUBLIC NUISANCES & MISDEMEANORS: Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

NCTS_NOV.rdf revised 6/22/2011



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
49 South Van Ness Avenue, San Francisco, California 94103-1226
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 202311890

OWNER/AGENT: BOSCHETTI GIAMPAOLO

DATE: 08-AUG-23

MAILING

ADDRESS: BOSCHETTI GIAMPAOLO
955 PRAGUE ST
SAN FRANCISCO CA

LOCATION: 15 NOBLES AL

BLOCK: 0104 **LOT :** 021

NOTICE TYPE: COMPLAINT

94112

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- | | | |
|---|---|---|
| 1 | THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. | 15 NOBLES ALLEY #3 AND ALL COMMON AREAS. |
| 2 | PROVIDE WATER HEATED TO MIN. 105 DEGREES F. (41 DEGREES C.) AND MAX. OF 120 DEGREES F. (49 DEGREES C.) AT HOT WATER TAPS IN HOTELS AND APARTMENT HOUSES. (505, 1001-b HC) | At time of inspection, no hot water at shower and sink. Provide. |
| 3 | REPAIR LEAK (1001 SFHC) | At the basement, pipe leaking and water filling up in the area. Repair or replace. |
| 4 | BID, EID & PID PERMITS (301 SFHC) | Repairs cited in this Notice may require a Building, Plumbing and /or Electrical Permit. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s). This case cannot be abated until the Housing Inspector makes a final inspection to verify that all violations have been corrected and all required permits have been obtained and finalized. On reinspection day, present to the Housing Inspector the Job Card, plans and permits indicating that all work under building, plumbing and electrical permits is complete. Prior to reinspection by Housing Inspector, call Building, Plumbing and Electrical Inspectors for required inspections. |
| 5 | INSPECTOR COMMENTS. | It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection as scheduled on this Notice of Violation for the purpose of providing the Inspector access to interior common areas, storage rooms, boiler room, garages, exit paths, basement and rear of building and to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s). |

ALL ITEMS MUST BE COMPLETED WITHIN 5 DAYS. REINSPECTION DATE : 14 August 2023 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME .



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division

City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: **202311890**

CONTACT HOUSING INSPECTOR : Christina H. Dang AT 628-652-3386

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

NCTS_NOV.rdf revised 6/22/2011

COMPLAINT DATA SHEET

Complaint Number:

202312544

Owner/Agent: OWNER DATA SUPPRESSED
 Owner's Phone: --
 Contact Name: --
 Contact Phone: --
 Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:
 Location: 15 NOBLES AL
 Block: 0104
 Lot: 021
 Site:
 Rating: 4 Years
 Occupancy Code: R-3
 Received By: Paul Chierici
 Division: HIS

Complainant's Phone:
 Complaint Source: FIELD OBSERVATION
 Assigned to Division: HIS
 Description: Unit 3 tub leaking into ceiling of unit 2 bathroom

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	CHIERICI	6376	15	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/22/23	GENERAL MAINTENANCE	HIS	Chierici	INSPECTION OF PREMISES MADE	Inspector Chierici, while re-inspecting for complaint # 202311890, at the subject property on Tuesday, August 23, 2022 at 1:30 PM observed violations of the San Francisco Housing Code which are delineated within the Notice of Violation identified by Complaint Tracking # 202312544.
08/22/23	CASE OPENED	HIS	Chierici	CASE RECEIVED	
08/23/23	GENERAL MAINTENANCE	HIS	Chierici	FIRST NOV SENT	
08/24/23	GENERAL MAINTENANCE	HIS	Chierici	BLDG POSTED & TENANTS NOTIFIED AS PER NOTIFICATION REQMNTS	Unit : ;# of postings left on building: ;Locations : ;Unit #s mailed posting:

COMPLAINT ACTION BY DIVISION

NOV (HIS): 08/23/23

NOV (BID):

Inspector Contact Information

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
49 South Van Ness Avenue, Suite#400 • San Francisco, CA 94103

- FIRST NOTICE
- SECOND NOTICE
- OTHER: _____

COMPLAINT NUMBER

202312525

ADDRESS 15 NOBLES ALLEY

DATE 8-25-2023

OCCUPANCY / USE

BLOCK 0104 LOT 021

CONST. TYPE

STORIES _____ BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT BOSCHETTI GIAMPAOLO

PHONE # _____

MAILING ADDRESS 955 PRAGUE ST.

CITY SAN FRANCISCO ZIP 94112

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

- WORK WITHOUT PERMIT (SFBC 103A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);
- EXPIRED PERMIT (SFBC 106A.4.4) CANCELLED PERMIT (SFBC 106A.3.7) PA# _____ ;
- UNSAFE BUILDING (SFBC 102A); SEE ATTACHMENTS

CODE / SECTION #

SAME BLDG. - BLOCK/LOT WITH MULTIPLE STREET ADDRESSES. WORK EXCEEDING DESCRIBED SCOPE - A 2ND PERMIT WAS OBTAINED FOR THIS WORK - HAS BEEN TEMP SUSPENDED - PENDING BOARD OF APPEALS HEARING. ; PERMIT DESCRIPTION NEEDS TO BE AMENDED TO IDENTIFY FULL SCOPE OF WORK & ALL ADDRESSES

CPC
Ch. 1

BC - Building Code HC - Housing Code **PC** - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

- STOP ALL WORK SFBC 104A.2.4
- FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 60 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN 60 DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

ACTIVE CONTRACTOR NEEDS TO AMEND PERMIT DESCRIPTION TO DESCRIBE FULL WORK SCOPE & ALL ADDRESSES.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Permit Fee (Work w/o Permit after 9/1/60)
- Other _____
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Reinspection Fee \$ _____
- No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT _____ VALUE OF WORK PERFORMED WITHOUT PERMITS _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR MICHAEL ALLEN
(Inspector - Print Name)

OFFICE HOURS 7:30 TO 9:5 AM AND 3 TO 4 PM

PHONE # 628 652-3674

By: (Inspector's Signature) Michael Allen DISTRICT # _____

CC: DCP EID PID BID HIS CED PRS DAD SFFD DPH PS

- Building Inspection Division
49 South Van Ness Ave, Suite #400 628-652-3450
- Housing Inspection Division
49 South Van Ness Ave, Suite #400 628-652-3700
- Electrical Inspection Division
49 South Van Ness Ave, Suite #400 628-652-3450
- Plumbing Inspection Division
49 South Van Ness Ave, Suite #400 628-652-3450
- Code Enforcement Division
49 South Van Ness Ave, Suite #400 628-652-3430







2016-08-16 14:41
LEF0USH4ND-HUB0UF00NSF-UF000E0 R44@I0C-ES0
/20/16 14:41









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KIRKLAND
ANTISEPTIC
MOUTH RINSE







BRIEF SUBMITTED BY THE APPELLANT(S) FOR APPEAL
NO. 23-037

Appellant's Brief, Appeal of Permit PW20230822584 (Appeal 23-037)

Permit 202307182373 should be denied because it does not make clear where the proposed work is being done. The description of the work may or may not be complete. The work description is not the basis of this appeal. The basis of this appeal is that the location of the work is only partially identified.

The building address and Block / Lot listed on Permit PW20230822584 only confuse the question of where the proposed work is being done. This building has six units, plus an at-issue storage room in the basement that respondent property owner has made several attempts to alter and refurbish with the wrong permit and, later, with no permit at all. (Please refer to Appeal 23-036.)

The work permit at-issue in this case, Appeal 23-037, states: "WORK CATEGORY 2PA; RE-GAS 3 UNITS. RE-COPPER 3 UNITS. RELOCATE 3 WATER HEATERS. NEW FLUE FOR SAME WATER HEATERS."

The location of the units to be re-coppered is not identified in the permit. "472 Union," the only address of a "unit" given, is not a street address but an apartment number. It is impossible for all "3 units" to be located at 472 Union, because this is not a building address but the address of a single unit.

The location of the three units to be re-coppered, re-gassed and their water heaters re-located is significant. Some units on the property are occupied; Others are not. It is in the interest of the City and County, and of the Building Department, to know whether or not

the units being re-coppered, etc. include units where residents are living, and, as post-COVID lifestyles include this, where they are being used as "work at home" spaces.

Respondent does not reveal the location in the permit, and there is no notice on the building nor on any tenant's door to clarify this. If it is respondent's intention to impose these major plumbing projects in any units currently occupied by tenants who live and work there, the Housing Department and other City agencies have an obligation and right to understand and question the impact of this on the tenants' quiet and private enjoyment of the apartments they rent.

Appellant asks no more of Permit Holder than does the City in N.O.V. 202312525

A Notice of Violation at 15 Nobles Alley dated August 25, 2023 was issued regarding Plumbing Permit PW20230802013, a permit issued August 2. The plumbing permit at-issue before the Board today, Permit PW20230822584, was issued August 22 in an attempt to remedy the then-existing violations of work beyond the scope of the permit issued on August 2, as noted by Plumbing Inspector Michael Allen.

Inspector Allen states in the N.O.V. on August 25: "Same Bldg. - Block / Lot with multiple street addresses. Work exceeding described scope. A 2nd permit was obtained for this work. Has been temporarily suspended - Pending Board of Appeals hearing. Permit description needs to be amended to identify full scope of work and all addresses."

[See Attachment (1), N.O.V. 202312525, "Violation Description."]

In the same N.O.V., Inspector Allen states: "Active contractor needs to amend permit

description to describe full work scope and all addresses."

[See Attachment #1, N.O.V. 202312525, "Corrective Action."]

As "corrective action," the listing of all addresses where the work is being done, is required for the plumbing permit in Unit 472, so should "corrective action" be required for Permit PW20230822584, the permit being considered by the Board of Appeals today. PW20230822584 identifies "3 units," unnamed, in a six unit building. The D.B.I. cannot in good faith endorse this permit-- the one being considered by the Board-- while simultaneously tacking an N.O.V. on the building for identical flaws in Plumbing Permit PW20230802013.

[See Attachment (1), N.O.V. 08/25/23; Attachment (6), Permit PW20230802013, 08/02/23; Attachment (7), Permit PW20230822584, dated 08/22/23.]

[In addition to the written Notice of Violation, Inspector Allen took photos of the work that exceeded the scope of Permit PW20230802013, Attachments (2), (3), (4) and (5).]

The first line of the City's "Application / Permit to Install Plumbing Worksheet" requires that the Project Street Address, Unit # and Block /Lot Number be given as part of the application process.

Appellant asks respondent permit-holder to do at least what is required by the City's application process. For respondent to reveal nothing more than "3 units" in a six unit building is to avoid the oversight required by the Building and Plumbing Codes.

Intentionally or not, "3 units" is also a way to prevent others greatly effected by the

project, the tenants in the building, to be aware of what is going on.

[See Attachment (8), "Application / Permit to Install Plumbing Worksheet."]

Conclusion

Given the extent of the plumbing and other building (and demolition) work done at 15 Nobles Alley/ 472 Union without a permit, and given the work then done by respondent outside the scope and location of the permit issued August 2, 2023, appellant respectfully requests the Board of Appeals and other City agencies to examine the overall effect of respondent's proposed plumbing projects on the welfare and safety of the tenants who live here.

This has never been done.

It would surprise members of the public and perhaps even surprise some members of the Board to know that C.E.S., the Code Enforcement section of the D.B.I., does not oversee Housing. Neither does it assist Housing Inspection Services to enforce the Housing Code. When appellant emailed and spoke with officers Robinson and Moyer in C.E.S. it became clear that their hands were tied with regard to putting Housing together with Plumbing, and that no one part of D.B.I. was tasked with examining the overall effect the violations of the permit process at 15 Nobles Alley /472 Union has had on the people who live here. There are currently at least five outstanding Housing Violations at the property, an Order of Abatement and two Notices of Violations. Christina Dang, a Housing Inspector, reports that neither respondent nor a representative for him showed up for a single one of the four appointments to re-inspect the building. On August 8, she found the kitchen water heater in appellant's apartment is missing a seismic brace. **[See Attachment 9,**

N.O.V. 202311891.] If, as suggested in the at-issue permit before the Board, water heaters in units are being moved to a dark basement 30 and 40 feet below their current locations in tenant apartments, it will make these heaters less inspect-able, especially given respondent's history of failing to meet with Housing on the property, and the respondent's equally problematic history of extensive work done here with the wrong permit, without any permit at all and, finally, outside the scope of the permit.

This is the type of question the Board of Appeals and the City's Building Department should examine: What are the real life effects of the proposed plumbing permits and other projects at this location on the tenants who live and work here? Right now, the process is piecemeal, and it seems that no one person and no one agency has been willing to be responsible for the overview of the entire series of events that have occurred at this property.

Without this overview, without an objective examination of the cumulative effect of these construction projects, the great majority of which have not been permitted, the Building Code becomes nothing more than a game for those "in the know" or with financial gain at stake to do whatever they please Appellant does not believe this is the way the Building Code or any other city code was intended to work.

At a hearing before this Board in 2019, Building Inspector Duffy admonished respondent for a failure to consider the people who live in the building. He testified that respondent

and his contractors "can do a lot better than this." He added, "It's simple, actually, when you do it right, and you have respect for the people living in the building and people in the neighborhood. You get through your proper inspections and that's the indication I got from them today . . ." [See Attachment 10, "Caption Notes, Board of Appeals Hearing 02/06/19" Page 13.]

Executed this Tenth day of September, 2023, by Appellant Marc Bruno,

[Electronic Signature of Marc Bruno]
By: _____
MARC BRUNO, APPELLANT, 23-037



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
49 South Van Ness Avenue, Suite #400 • San Francisco, CA 94103

- FIRST NOTICE
 SECOND NOTICE
 OTHER:

COMPLAINT NUMBER

202312525

ADDRESS 15 NOBLES ALLEY

DATE 8-25-2023

OCCUPANCY / USE

BLOCK 0104 LOT 021

CONST. TYPE

STORIES BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT BOSCHETTI GIAMPAOLO

PHONE #

MAILING ADDRESS 955 PRAGUE ST.

CITY SAN FRANCISCO ZIP 94112

PERSON CONTACTED @ SITE

PHONE #

VIOLATION DESCRIPTION:

- WORK WITHOUT PERMIT (SFBC 103A); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);
 EXPIRED PERMIT (SFBC 106A.4.4) CANCELLED PERMIT (SFBC 106A.3.7) PA# _____;
 UNSAFE BUILDING (SFBC 102A); SEE ATTACHMENTS

CODE / SECTION #

SAME BLDG. - BLOCK/LOT WITH MULTIPLE STREET ADDRESSES. WORK EXCEEDING DESCRIBED SCOPE - A 2ND PERMIT WAS OBTAINED FOR THIS WORK - HAS BEEN TEMP SUSPENDED - PENDING BOARD OF APPEALS HEARING. ∴ PERMIT DESCRIPTION NEEDS TO BE AMENDED TO IDENTIFY FULL SCOPE OF WORK & ALL ADDRESSES

CPC
CK.1.

BC - Building Code HC - Housing Code **PC** - Plumbing Code EC - Electrical Code MC - Mechanical Code

CORRECTIVE ACTION:

- STOP ALL WORK SFBC 104A.2.4
 FILE BUILDING PERMIT APPLICATION WITHIN _____ DAYS (E) WITH PLANS: A Copy of This Notice Must Accompany the Permit Application.
 OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 60 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
 CORRECT VIOLATIONS WITHIN 60 DAYS. NO PERMIT REQUIRED.
 YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
 FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

ACTIVE CONTRACTOR NEEDS TO AMEND PERMIT DESCRIPTION TO DESCRIBE FULL WORK SCOPE & ALL ADDRESSES.

INVESTIGATION FEE OR OTHER FEE WILL APPLY. See reverse side for further explanation.

- 1x Permit Fee (Work w/o Permit after 5/1/16) 2x Permit Fee (Work Exceeding Scope of Permit)
 Other Retest/Inspection Fee \$ _____ No penalty (Work w/o permit prior to 5/1/16)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED WITHOUT PERMITS

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR MICHAEL ALLEN

Building Inspection Division
49 South Van Ness Ave., Suite #400 415-352-3450

OFFICE HOURS 730 915 AND 3P 4P

Housing Inspection Division
49 South Van Ness Ave., Suite #400 415-352-3700

PHONE # 628 652-3674

Electrical Inspection Division
49 South Van Ness Ave., Suite #400 415-352-3450

By: Inspector's Signature: Michael Allen DISTRICT # _____

Plumbing Inspection Division
49 South Van Ness Ave., Suite #400 415-352-3450

CC: DCP EID PID BID HIS CED PRS CAD SFFD OPH PS

Code Enforcement Division
49 South Van Ness Ave., Suite #400 415-352-3450





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KIRKLAND
ANTISEPTIC MOUTH RINSE
Kills Germs
Reduces Bad Breath,
Plaque & Gingivitis







Home » Most Requested



Welcome to our Permit / Complaint Tracking System!

Plumbing Permit Details Report

Report Date: 8/19/2023 3:19:22 PM

Application Number: PW20230802013

Address(es): 0104 / 021 : 472 UNION ST

Description: WORK CATEGORY: 2PA; REPIPE EXISTING BATHROOM AND KITCHEN.

Stage:

Action Date	Stage	Comments
8/2/2023	ISSUED	

Contractor Details:

License Number: 690001

Name: TERRENCE DUNNE

Company Name: DUNNE PLUMBING

Address: 725 WALNUT AV BURLINGAME CA, 94010

Phone: 4158280141

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspection Details:

Activity Date	Inspector	Inspection Description	Inspection Status
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.



Welcome to our Permit / Complaint Tracking System!

Plumbing Permit Details Report

Report Date: 9/10/2023 8:50:54 PM

Application Number: PW20230822584

Address(es): 0104 / 021 : 472 UNION ST

Description: WORK CATEGORY: 2PA; RE-GAS 3 UNITS. RE-COPPER 3 UNITS. RELOCATE 3 WATER HEATERS. NEW FLUE FOR SAME WATER HEATERS.

Stage:

Action Date	Stage	Comments
8/22/2023	SUSPENDED	Per BOA Appeal No. 23-037
8/22/2023	ISSUED	

Contractor Details:

License Number: 690001
 Name: TERRENCE DUNNE
 Company Name: DUNNE PLUMBING
 Address: 725 WALNUT AV BURLINGAME CA, 94010
 Phone: 4158280141

Appointment Details:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspection Details:

Activity Date	Inspector	Inspection Description	Inspection Status
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our [FAQ area](#).



APPLICATION / PERMIT TO INSTALL
PLUMBING WORKSHEET

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

Empty rectangular box for stamp or signature.

New [] DATE :
Amendment []
Renewal []

Homeowner []
Contractor []

Homeowner Permits are approved at Inspection Services, PID 4th Floor (628) 652-3450

Form with fields: JOB ADDRESS, UNIT #, BLOCK/LOT, BLDG. USE, NEW/ALT, # STORIES, OWNER OF BLDG., PHONE, ADDRESS, EMAIL, License information (PRINT CONTRACTOR NAME & SIGNATURE, DATE, CLASS, LICENSE #, LIC. EX. DATE), COMPANY NAME, BTRC LICENSE, ADDRESS, PHONE, CITY, STATE, ZIP, FOR OFFICE USE ONLY.

* NOT VALID FOR PERMIT IF ANY EMPLOYEE DESCENDS INTO EXCAVATION DEEPER THAN 5'

Fee schedule section with fields for: SINGLE RESIDENTIAL UNIT FEE (Category 1P), PLUMBING INSTALLATION FEE (Category 2PA, 3PA-B-C), FIRE SPRINKLER FEE (Category 4A, 4B), OFFICE, MERCANTILE & RETAIL BUILDING FEE (Category 5P), RESTAURANT FEE (Category 6P), NEW BOILER INSTALLATION FEE (Category 8P), SURVEY FEE (Category 9P), MISCELLANEOUS FEE (Category 11P), and TOTAL PERMIT FEE.

DESCRIPTION OF WORK COVERED BY THIS PERMIT: []

NOTICE TO APPLICANT HOLD HARMLESS CLAUSE: The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit...

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below:

I hereby affirm under penalty of perjury one of the following declarations:

- () I. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code for the performance of the work for which this permit is issued.
() II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are: Carrier: Policy Number:
() III. The cost of the work to be done is \$100 or less.
() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
() V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of the Applicant or Agent Date

PLEASE MAKE CHECK PAYABLE TO: DEPARTMENT OF BUILDING INSPECTION, 49 SOUTH VAN NESS AVE, SAN FRANCISCO, CA 94103. We accept payments from owner or affiliated agent(s) shown on DBI record. 3rd parties must provide authorization letter and ID.



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
49 South Van Ness Avenue, San Francisco, California 94103-1226
(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 202311891

OWNER/AGENT: BOSCHETTI GIAMPAOLO

DATE: 08-AUG-23

MAILING

ADDRESS: BOSCHETTI GIAMPAOLO
955 PRAGUE ST
SAN FRANCISCO CA

LOCATION: 15 NOBLES AL

BLOCK: 0104 LOT : 021

94112

NOTICE TYPE: COMPLAINT

BUILDING TYPE: APT

USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM

DESCRIPTION

- | | | |
|---|--|--|
| 1 | THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED. | 15 NOBLES ALLEY #3 AND ALL COMMON AREAS. |
| 2 | PROVIDE WATER HEATER SEISMIC BRACE (1001g SFHC) | At the kitchen, water heater is missing a seismic brace. Provide. |
| 3 | INSPECTOR COMMENTS. | It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection as scheduled on this Notice of Violation for the purpose of providing the Inspector access to interior common areas, storage rooms, boiler room, garages, exit paths, basement and rear of building and to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s). |

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 26 September 2023 10:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME .

CONTACT HOUSING INSPECTOR : Christina H. Dang AT 628-652-3386

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco

49 South Van Ness Avenue, San Francisco, California 94103-1226

(628) 652-3700 Fax: (628) 652-3709 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.

NCTS_NOV.rdf revised 6/22/2011



City and County of San Francisco

WEDNESDAY, FEBRUARY 06, 2019

>> good evening, welcome to the

February 6th, 2019 meeting of the san francisco board of appeals. Frank fung will be the presiding officer tonight.

He is joined by rick swig, anne. Brad russy will provide the board with any legal advice this evening. At the controls of the board

legal assistant, gary and I'm julie rosenburg the board's executive director. We will be joined by representatives from the city departments that have cases before the board this evening.

We expect scott sanchez, the

acting deputy zoning administrator, joseph duffy representing the department of building inspection and chris

buck, urban for esther

forester. The board meeting guidelines are as follows. The board requests you turn off

or silence all phones and other electronic devices so they will not disturb the proceedings.

Carry on conversations in the hallway. The rules of presentation are as follows. Appellants, permanent holder and

department respondents are given seven minutes to present their case and three minutes for rebuttle.

People affiliated must include

their comments within the period. Members of the public not affiliated have up to three minutes to address the board and no rebuttle.

Please speak into the microphone. To assist the board in the accurate preparation of minutes you are asked but not required

to submit a speaker card or business card. Speaker cards are available on

the left side of the podium. If you have questions, please speak to board staff during a break or after the meeting or call or visit the board office.

We are located at 1650 mission street.

It's broadcast live on sfgov and

will be rebroadcast on channel 26. The video is available on our

website and can be downloaded

from sfgovtv.Org. We will affirm those who attend to testify. Any member of the public May

speak without taking an oath pursuant to their rights under the sunshine ordinance. If you intend to testify at any of tonight's proceedings, and

wish to have the board give your testimony weight, stand if you are able, raise your right hand and say I do after you have been sworn in or affirmed. For those people who are going

to be giving testimony, do you swear affirm the testimony you are about to give be the truth, the whole truth and nothing but

the truth? Thank you.

We have one housekeeping item. Item number 8 has been drawn.

This is 18.161 thomas doughty

subject property at 19

at 189 magnolia street. We'll move on to item number 1 which is general public comment. This is an opportunity for anyone who would like to speak on a matter within the board's jurisdiction but that is not on

tonight's calender.

Is there anyone here for general public comment? We'll move on to item number 2. This is the election of the officers. We are required to have annual elections of the officers at this time of year. I want to thank President Fung and vice President Swig for all of your help and service this past year. So, we will

start with the offices of the President. Are there any members of the board who would like to nominate a colleague or themselves for the office of the President?

>> I'd like to nominate Frank Fung.

>> any other nominations?

Is there any public comment on

that motion? Seeing none.

On that motion -- I should check. President Fung, would you be willing to accept this position?

>> you don't want to do it anymore.

>> **President Fung:** I will, thank you.

On the motion to re-elect

President Fung for another term, President Fung.

>> **President Fung:** aye. >> commissioner Lazarus. >> aye. >> commissioner Honda.

>> aye. >> that passes. We will move on to vice President. Would anyone like to nominate a colleague.

>> I would like to nominate vice President Swig. >> ok. Vice President Swig would you accept that?

>> **V.P. Swig:** sure, thank you, very much. >> is there any public comment

on that motion to re-elect vice President Swig?

Seeing none. President Fung?

>> aye. >> commissioner Lazarus. >> aye. >> vice President Swig. >> aye.

>> congratulations.

So we will now move on to item number 3. Commissioner comments and questions. Any commissioner comments and questions?

>> I'd like to congratulate my President and vice President for their second year.

Also, wish everyone a happy

chinese lunar new year. Year of the pig. >> thank you.

>> is there any public comment

on item number 3?

Seeing none, we'll move on item number 4. The adoption of the minutes. Commissioners before you for discussion and possible adoption

of the minutes are the January 30th, 2019 board meeting. >> any corrections or additions?

>> move to adopt as submitted.

>> we have a motion from commissioner lazarus to adopt

the January 30th, 2019 board meeting minutes.

On that motion, President Fung. >> aye. >> commissioner honda. >> aye. >> vice President Swig. >> aye.

>> so the minutes are adopted.

We'll now move on to item number 5.

This is appeal number 18.134

mark bruno versus apartment building inspection 15 noble valley and 472 union street.

Protesting the issuance on September 21st, 2018 to paul of an alteration permit. Renovation of an existing bath and kitchen and unit 2 on the second floor and in the studio unit on the first floor to

comply with 201-84-0721.

This is application 2081. Note on December 5th, 2018, the

board voted 4-0-1 President Fung absent to continue this matter

to February 6th, 2019 so that one, the board can receive a full set of complete plans from

the permit holder and two, D.B.

>> **j. Gonzalez:** I

can assist a permit holder with clearing up notice of violation

and the parties can submit supplemental briefs.

Did you have a chance to review the material for this matter?

>> **President Fung:** I did. >> so, we will move forward and we will hear first from the

department of building

inspections and then the planning department if they wanted to add anything and the

permit holder and the appellant.

Each party has three minutes each. >> good evening, commissioners.

Joe duffy D.B.I.

I just got a chance to go to the property today. I did a site visit.

i met with the new building

owner, there sketty his name was. I was interested in the number of units in the building.

It was unclear with inconsistency over the years

whether it was five, six, seven, four, 12?

So, the property itself is one building. It's got two street front ages

on union street and it also fronts on to noble valley at the back of three units and three units.

The buildings are connected to they're not actually separate buildings. It's sort of got three units stacked on one, three units on the other building and on the

ground floor on the union street site, there's an area and I think that's the area that on

the building permit that they got was referencing a studio unit on the first floor.

That's not actually a legal studio unit. I did point that out to the owner. He was aware of that.

You know, at this point, the

work was started it was demolished on and they're in

the middle of the remodel. Without recommended any action, certainly on the description of

the permit, the renovation of existing bath and kitchen in

unit number two is ok. The end studio and first floor to comply with notice of violation is not ok. It might be that we deny this permit and they just start again. They're easier to get.

They're the kind of permits with b.D. I

-- let's start all over again in a properly organized fashion.

>> when this permit would be denied, and a proper set of plans come in for whatever they chose to do within the legal units of that building, I don't think it's a problem getting that permit. It's pretty easy permit.

They're opening the units a little bit. They're taking out a wall between the kitchen and dining room with structural drawings and stuff like that. I didn't see the drawings. They weren't on site today. The studio unit would be something that would have to go

through the planning department. It's a project at that point. >> a separate permit.

>> on a separate permit, yeah.

>> so is there any hardship

created by canceling the permit? Is there any hardship that would where you to

occur by wiping the slate clean

tomorrow morning at 9:00 A.M. He

could go down and file for a new

permit given proper plans and proper organization?

>> yes, they actually did file a couple of permits which they haven't processed yet. We don't want them to process until after this appeal. It shouldn't have happened. They wanted to -- that's exactly what they want to do.

I think the intention is to pull

separate permits for each unit. Which makes it simpler instead

of calling it unit two.

There's two unit 2s. 12, 3, 1, 2, 3.

They do have some news with old expired permits that we're going to have to work through and they did promise me they would do that. They did try to cancel the

permit with dbi so I don't think they have any problem with the denial of the permits because I think that's the part they wanted to go anyway.

They wanted to cancel this permit and start fresh.

>> is there any hardship by

canceling the permit created to

the project sponsor? >> I didn't see one. Apart from the fact the units

will be vacant for longer.

>> just to confirm, no revised drawings were shown to you.

>> I didn't get any.

>> I shoes not to have a

revision and could have been accepted by this board.

>> ok.

>> Mr. Bruno, if you say something, you need to come to

the front corner and

counter.

>> **President Fung:** my question to Mr. Duffy was there any

drawings had been shown to him and he answered no.

>> Mr. Sanchez, last time you provided comments. Not tonight.

We will now move onto the permit holder.

Permit holder's attorney. >> hi, I'm leo laraque here on

behalf of the permit holder.

On January 28th, 2019, the contractor did, at the suggestion of this board, file a

request to cancel the permit

associated with this appeal.

I was advised by Ms. Rosenberg this afternoon via e-mail that

when the appeal was filed, the process stops and the permit cannot be canceled.

that's why we're here today.

Mr. Morgan thomas, who is the representative of the owner of

the property and the -- one of

the employees of Mr. Biskety was

at the meeting with Mr. Duffy. A suggestion was made with

regards to amending the existing

permit to remove any reference to 472 union street and to amend

the plans that were submitted pursuant to the original permit, which is now subject to this

appeal by removing any reference

to 472 and move forward with the permit application that was

submitted many, many months ago. I understand Mr. Swig asked the

question would there be any

prejudice or hardship with

regards to canceling the permit

now and starting with a fresh slate. Essentially submitting new plans and permits.

Let's get this process moving.

The only indication I would make

and I would, at the suggestion,

what we would suggest happen is

we were prepared to amend the to

472 and to amend the existing

plans that remove any reference

to 472 union street and the

plans to unit number 2 is

essentially simple remodel or an

alteration with regards to a reconstruction of the bathroom

and a kitchen in that unit. >> each party was given three minutes each so you won't have

an opportunity, sir.

Mr. Bruno, please approach.

And you have three minutes as

well.

>> thank you, Mr. Fung, for speaking so I could hear you. You have a beautiful, deep voice but it's hard to hear as I get older.

I am here because I appealed an

application which is a violation of many rights of the people who live in this building.

You didn't have the advantage, commissioner fung, of being at the hearing on December 5th.

In fact, Mr. Buscatti purchased

this property at a director's hearing. Mr. Duffy wasn't there.

Three people from dbi were. He purchased it upon the finding of the director's hearing, meaning our own inspectors that

we pay for, who are objective analysis of this property to say no more work can be done on this property. Until many conditions are met. So to suggest that this is just

a minor issue at unit 2 or at 472 or 15 is not the case.

He purchased it at a great reduction in the then asking price of the property.

It's all at the board of appeal, rather the assessment and recorders office.

The property was being asked 2.3 million and it went for

1.8 million the very next day to. He owns many properties in this

city and to suggest that he was unaware that this baron-looking room that no one has lived in,

this so-called studio, could be in fact part of an application

for a refurbishing is dishonest.

There's no way it could be made into anything unless you went through the proper channels to get an A.D.U. There's many dishonest things here.

To go back why we're here today,

I suck as it seems Mr. Duffy is suggesting as well, not to worry about whether or not the appellant might suffer in some way.

He has made his own bed and must now lie in it.

He has approached the city and suggested that this room that has never been used by anybody, since 1911, when the building was built, could somehow be now refurbished by him, illegally, to have a seventh unit in the building. That was done not without his knowledge.

There is an egregious violation here. The studio, again, commissioner.

>> **President Fung:** didn't have

fung didn't see the studio which

he was so refurbish, there is no studio. There's no square footage unit.

The size of the so-called studio

so how many mistakes could he make? There's no location a the ground

floor that he describes in his application. For all these reasons I think the board should deny the application on these grounds alone. As we all know, the board of

appeals has three options.

One of them is not to just, as was suggested by the other party, the attorney for the

other party, just let it go or

alter or alternate the current application. It's not one of the options.

The options are to deny my

appeal or to deny the

application or to send it back with conditions. I ask you again that it be denied for all the reasons I presented.

Thank you for your time.

>> for the record, President Fung did have an opportunity to review the plans and all the materials submitted for the

earlier hearing. >> thank you. >> is there any public comment on this item? Seeing none.

Commissioners, this matter is submitted. >> I .

>> President Fung: I have a

question further for Mr. Duffy.

>> just to confirm again, the configuration shown on the plan

of the space that they want to

renovate, is that an unoccupied space that would represent a seventh unit. >> correct, that's right.

>> so it has to be an A.D.U. >> it is.

>> President Fung: which has to be different applications. >> it's a completely different process.

That permit was -- that's why

it's not -- the remodel and unit

number two for a kitchen and bathroom, that would be simple

enough to get. There are issues with the plans as well.

I didn't get a chance to say that as well.

The site plan, the floor plan of

the building, they are better to start again in this case.

I don't think I said, Mr. Bruno

said I said I was unaware it was

a studio and why think I said that. If I said that I didn't mean to

say that. I don't know why they show it as

an existing studio but it's not a studio yet.

They can go through that process

and Mr. Bruno can object or

support it as he wishes as well.

>> are you done?

>> this board has another option

which is a special conditions

permit where we can't accept a revision and apply that to a permit.

>> correct, that's right. If we have to hold the appeal,

is it because the permit was issued. The existing studio.

The studio did not exist.

>> I'm going in that direction. Thank you. >> these people can do a lot better than this.

That's what they need to do. The discussion I have with them today is that's the path they need to go. This is an older building. They want to remodel the units and bring them and modernize them and that's a good idea. We have a process for doing that. It's simple actually when you do it right, and you have respect for the people living in the building and people in the neighborhood. You get through your proper inspections and that's the indication I got from them today

and it's the road and I will get

on that road and other people in dbi ask as well. It's an older building. If they want to do it right,

we're always there to help.

>> given that situation, at the

last hearing, the confusion was,

at least in my mind was rampant.

Given that, which you just

described, and your recommendation, I would

absolutely heed your recommendation to wipe the slate clean and start all over again.

What was confusing, what is and

give dbi to clarify exactly what

so let's unit 2, let's make it clear it was ambiguous and

clearly there are flaws as you

identified in other stuff and clearly a permit at some point, if they chose from that direction needs to be filed.

A lot of stuff needs to be done and to quote you, thank you, very much.

The property owners could have

done a much better job, closed quote.

With that, I will agree with you and I would recommend to my fellow commissioners that we

find for the appeal ant ant on the grounds you stated it was

improperly. Can you stop hovering and sit down.

Can you sit down and please stop

hovering, thank you, very much.

We deny the -- we uphold the appeal on the grounds it was

improperly issued. Thank you.

>> **President Fung:** do you have a motion?

>> so we have a motion from vice

President Swig to grant the appeal and deny the permit on

the basis, what I understand, the plans were flawed and the

studio would require an a. D.U.

>> **V.P. Swig:** that the permit was improperly issued.

I think it would suffice.

>> on the basis the permit was

improperly issued. >> President Fung.

>> **President Fung:** aye. >> commissioner lazarus. >> aye. >> the appeal is granted.

Permit is denied.

We will now move on to appeal item number 6.

this is appeal number 18-164 richard hall versus san francisco public works bureau of urban forestry.

Subject property is 2940 16th street. On December 7th, san francisco public works of a public works

order approval of request to remove two street trees with replacement adjacent to the subject property.

This is order number 200294 and

we will hear from Mr. Hall first.

You have seven minutes, sir.

>> thank you. Basically, what I'm asking for

you today as a minimum removal of the two trees in front of the

historic red stone building

these trees, we have offices in

the building many, many other

organizations and these trees

shield us from the noise of the street in the winter.

They block the wind in the

summer they help cool us and as

with

, the building is four-storeys tall. They are huge trees that are of great benefit to this building

and should not be removed willie nilly, ok.

I'd also like to ask you to

consider that these trees are just a small part, removal of

these trees, are just a small

part of SFMTA's 22nd Street project which they're now calling the 16th street improvement project.

In order to improve our street,

they're removing 61 mature trees along 16th street. I haven't gone and taken

pictures of them or found them.

This should be reviewed in the full context of what sfmta is doing here and as far as I'm concerned, it's just a contractor and it isn't a and get sfmta into this room.

They didn't even answer my sunshine request. Basically I asked for your help. I don't know what flexibility you have but I do know that this is wrong and I also know that

D.P.W. Has a war on ficus trees and recently I saw that the library residents were rallying to save the same kind of trees in front of the library.

To takeaway such a valuable canopy of trees along 16th street needs to be well considered.

Not taking them out all at the same time. Maybe five years take a few out, five years later take a few out. If many these trees can be trimmed, salvageable and safe.

I just feel like I don't even understand the complete logic behind it.

A, I think it's part of this diluting of the dpw deforest

station project but also, I want sfmta to answer why they want all these trees removed.

I know they got buses. They got buses down there right now.

Is this to accommodate the two-storey google devices. Why are they taking all these trees out? That is sort of it. I have three more minutes but I

ask you to deny removal of these trees.

And to consider what power you

have to to get the full scope of

these issues considered.

Thank you. >> thank you.

We will now hear from the

department.

>> good evening, commissioners, chris san francisco public works

bureau of urban forestry. Regarding the two subject trees,

they're very large and beautiful. They are absolutely large

stature ficus trees. Specifically, there's two reasons why we're out there

evaluating these trees.

Both for the filmore22 street scape improvement project but

also due to the implication of

proposition e which we refer to as street tree sf.

This is a grid map. 261 that brought our inspectors

to the site to evaluate all the

trees in this grid of blocks. So, it's both.

It's both us doing routine

analysis of tree conditions but

also about a year and a half ago, already, part of the --

when there's a street scape project, there's a number of them annually.

There's maintenance, public works, when there's going to be a lot

of work in the public right-of-way, we need to evaluate the condition of the

trees along that corridor so that all these work that is

taking place doesn't occur in a vacuum where we don't actually look at the trees. We wouldn't want a project to come through and then say oh well, we didn't look at the trees.

Why are they falling down? What's happening? So that's one of the things that occurs when there's a project. Whether it's a sewer replacement

or with some other agencies leading an effort.

but to go back to the trees themselves.

Street tree staff is the implementation of proposition e. We're now staffing up and getting more equipment and our goal is to prune every street

tree within a three to five year pruning cycle. Part of that is to evaluate the condition of the trees.

Here say photo of the two subject trees.

They're quite large. The larger the tree the greater the benefit and the more

beautiful and inspiring and

unfortunately both ficus trees have poor structure and they

meet the tree removal criteria

that the trees have competing co dominant leaders acute angles of

attachment and they also have

included bark.

There is an sfmta.

They have removed 10 or so trees along 16th that we want to remove now.

We don't want wait for the street scape project to occur.

There are a number of trees

we'll be posting for removal and there's more information about that.

The estimate is that potentially 61 trees would be proposed for removal from church all the way

east to mission bay on 16th.

Many of those are ficus trees.

But specifically, tree number one is pictured here in the right.

The backside of the tree has

lost a large stem and this structure with these three stems

join this way is prone to fail.

Here is the image taken from the

street showing narrow points of attachment with included bark,

areas within the tree that are prone to fail. The tree, years and years and

years ago was topped by produced this poor

poor structure. Here is a close up. This is the secondary structure.

This is about 20 feet up. 25 feet up. Each of these stems is almost a

foot in diameter.

They're really narrow point of

attachment and it is a high-risk

location within the tree that would fail.

Again, another example of weak attachment within the canopy. When we see the tree itself and its green and it's glossy and

the health, the vigor of the foliage age is fine but that's not what will hold the tree up. It's the structure.

There are examples of previously

failures within the trees.

And then again the limb on the

west side has had an injury over the road.

The sidewalk is pretty wide.

Generally, sidewalk repair will just keep repairing the sidewalk.

In this case it's not a problem for us. It's relatively routine for us

to damage the sidewalk. These are enormous trees. Although they provide the greatest benefits, it provides us with the

greatest concern for safety. They have deep bark inclusions, when we see trees fail over and over again in the same locations

we have a responsibility

unfortunately to keep the public safe.

Here is a close up of that poor structure. This is a view of the front of

the trunk from the street.

Again, looking up into the

canopy as high as you can access visually there are other issues with the trees. They were topped many, many

years ago and the branches that have regrown one of them failed. The image on the right shows

these two essentially you had of a stub at one point and it

sprouted back three branches.

These branches are 30 feet tall.

So the way we identify trees for

removal is we really go over the

structure of the tree.

When I see a big can pee, I have no idea that you have to get

under the hood and look at how those individuals branches

connect to each other.

Regarding replacement trees, tree number two closest to the corner is very close to a street light, just nine feet away from the street light. The species this large would require at least 21 feet. And it's wedged between the tree and the right and a tree out of view on the left.

This is a site where we would remove this tree without replacement. We have a number of guidelines

outlined in our director's order that regulates the planting and

maintenance and removal of

street trees so we have specific

clearances we need from street lights.

The only real concession, it's not a concession. I can offer this evening is instead of removing both trees

in plant it with two trees,

there is room to plant an additional three trees. so removal of two with replacement of three as shown. Again the tree close to the

street light cannot be replanted. The other tree can be replanted

and there's room for two additional trees.

So we ask you to up hold the approval to remove both trees

with replacement of a total of three trees. Thank you. >> questions? >> what size tree are you

talking about as a replacement and what species?

>> the species is not set yet.

So because of the street scape

project, I've e-mailed our

public works contact. So, I don't know the replacement species as of today and I apologize for that.

We certainly would keep with the species that are settled upon by

the community and that public outreach process.

The size that we're planning to replace would be 24-inch box.

It's possible that street scape, sometimes they plant 36 box size

trees for the project and that

is something I will double check. At the moment, it would be

24-inch box size trees that

would be a large size tree at maturity. >> I have a question, it looked, from the picture that you put up, that there were no trees on

the other side of the street. >> correct.

There are no trees across the street.

There is a street scape plan to

plan a lot more trees. It's not -- I'm not a project representative for that and i don't want to give you a big song and dance and glossy photos

but there's going to be a lot of

new trees planted.

We have to check for underground basements and things like that. There's certainly a potential to

get a lot more trees in the area. >> I have a question.

I mean, I don't envy your job because I know what a tree lover you are.

In row sent

recent cases we've had appeals coming fourth regarding

mass reduction of ficus trees.

We just recently had one for 19 trees. It was mentioned at that hearing, had you been on the

other side, we would ask why we don't want these trees to go away. But here, now, besides these three, you are mentioning that

there's a potential of 61 trees

being removed from our city.

And I believe that last year our

can pee is one of the lowest out

of any metropolitan city. When you wholesale bulk remove

that amount of foal age?

>> we have a low canopy cover for sure.

We didn't have a native forest. We're at a disadvantage. A lot of the cities in the west don't have a native forest the

way that Chicago -- the trees just pop up out of the ground. There's native trees stock that naturally trees in those areas.

We started from an urban environment. There's good and bad, right.

These trees haven't been maintained regularly over the years.

Just like a lot of our trees and we the library they persuade the removal of the 19 trees.

We didn't initiate that removal. But the street scape project is bringing us to the 16th street and we've got to look at the

trees on that corridor. Just like Van Ness. If there's a lot of activity and

a lot of work, are the trees in good enough condition to withstand all that. It gives us an opportunity to remove trees that are very poor structure and replace them.

In this case, the street scape would fund the replacement trees and we currently don't have funding to plant replacement trees. So, in a roundabout way of trying to answer that, do we have an urban forest plan?

We've identified ficus trees for

removal over a number of years. It feels like lately we've had a

bigger bump in that and Octavia

is one that will come up 24th

street in the mission. It will be -- we'll be here a lot and it's going to be difficult.

>> taking from your own book and to put you on the spot, if we're seeing a lot more of these trees removals, I want to have a little more information. Taking one from your book, is that how long is it going to

take our con owe pee to get

canopy to get mature to help our environment.

>> absolutely. >> just one thing to add to that

is that for sure, I mentioned at a previously hearing we have a full-time public information

officer now and we are -- where

we initiate a lot of ficus tree removals, we will schedule a public meeting. It's a common courtesy to start that process with as much information as possible.

>> roughly how old are these and

what would their expected life expectancy be? >> sure.

You know how much I am

I am challenged by age.

These trees, they could be 35, 45-years-old.

A lot of ficus were planted in the early '70s.

It could be late '60s. The urban environment say moving target. Big cyprus tree in the middle of

the park has a better chance. I would say life expectancy

moving forward on these is -- we're impressed they haven't failed, right. That's our takeaway as well.

We're evaluating these trees for the first time ever.

And a look at the problems it's our takeaway.

So I couldn't give you how much more they have left.

We wouldn't want to risk that.

>> I'm just -- I still remember

75 howard when we took out those ficus on that block.

>> **President Fung:** who is

funding 16 street scape plan?

I believe mta funds the street

scape plan or they're the project lead. We have public works, landscape works and project managers that

work with them so they know those answers. But this is a project that's

being led by the mta.

Again, in parallel with that is

our implementation of street

tree sf so we've been looking at these trees for a while as our own bureau with what are we

going to do with these trees?

So, I would say that both, we've been dealing with both projects simultaneously and there's internally been a little bit of, who wants to be the lead on this

tree removal.

>> **President Fung:** so, if

they're funding it then they

would be responsible for the replacement? >> in this particular case, we're going to initiate the removal of these two trees separate from the project.

The public works would cover the removal cost. And we're hoping to then ask

them for the funds to plant

replacement trees.

>> but is your review part of a regular review or based on a request from M.T.A.?

>> so, both are occurring.

We reviewed it as part of the

project and after that we also

had a routine inspection. We looked at these trees a year and a half ago. Proposed to move along the entire corridor and we said ok, this is what is occurring out

here we're looking at maybe 61 trees. That process takes a long time.

Things sit. There's a number of community meetings that occur on other parts of the project.

But during all that time, it brought our team out for routine inspection so these two trees, there's a few trees on 16th

where we're not waiting for the street scape project to move forward, we're just initiating the removal on our own because

we don't want to wait. >> since you are not certain about the source of funding for

the replacement trees, does that jeopardize them being replaced as soon as possible? >> no.

We would prioritize the

replacement of the trees in the location.

We have limited funding for planting. Where we have funding from another course we would

certainly tap into that.

But 16th street trees of this size, we heard from the community.

I wondered what goes in there. Now I found out.

It was a very loud and unanimous

and about the loss of the con owe pee. We're going to make sure the trees are replanted.

It's three trees adjacent to the building. >> rough timetable? If you were able to cut these down next Monday, how soon after would the replacement be?

>> our urban forestry ordinance

the code allows us six months.

We would do that in a much shorter turn around time. I've been saying three months. I feel like it gives us a little bit of wiggle room.

It's challenging any time you roll out big equipment on 16th street.

>> thank you to commissioner Lazarus for setting me up for a further question.

You know, I hate to break it to

you but dpw has a lousy reputation according to testimony at the very least we

heard two weeks ago on replacing

trees and there was testimony

two weeks ago that I can't

remember the location but the

same and I'm not doubting your intent.

I'm not doubting your words that they would be replaced in six months.

And, also, what is confusing for me is that you just double spoke on me.

Did you say your funding is

coming from M.T.A.? >> funding to remove the trees would not come from the M.T.A. For these two trees? >> but you then said we have no money to replant trees? We have no funds to replant trees. I heard you say that. >> correct.

So it is public record and we totally agree. It's a martha raddatz of

public record.

It's amazing one positive thing

that happened on that date two

years ago. It went through with no money for new trees. I assumed it was going to

include replacement trees and we wanted the public to know we're committed to maintaining existing trees. It's not a matter of will right now. We've put in a number of grants for a million dollars here and a million dollars there to get the

money for planting. The planting will come.

We don't have funding currently. >> did you hear that I was going

to win the lottery next week?

I heard a rumor.

>> the feedback is, we're aware of the problem of the

replacements and I have said to our team, we're implementing proposition a.

We knew we were going to come across removals. It's not a good time to not have

the funding to plant replacement trees. To me it feels like there's so many other issues to focus on

than the replacement. That's should be the easy part. I take your feedback and that's

a big problem we're trying to workout. >> here it goes, so I have a

question for you.

So, we believe you.

All right.

And I'm not saying that I believe you, but we believe the structure of these trees is bad

and we believe that these pose a

danger and we believe that as

professionals, your guidance is correct. We deny the appeal and we believe you that you are going

to up hold

hold the law and replant the trees in six months.

And then six months goes by and we drive by that street and it's

as naked as the day is long.

How do trust D.P.W.?

How do we hold D.P.W. Accountable because this is judicial body, as you know.

How do we hold D.P.W.

Accountable for keeping the truth? And replanting. Without proof today, because you

are telling me that you have no money. >> sure.

It's a great question. So 16th street -- >> it's a concerning question.

>> it's a major transit corridor.

We're not going to allow site conditions to be out there where people will be tripping.

we just can't do that. It's going to mean making decisions about other sites. There May be sites in other parts of the city that are quiet

and they're not at the corner of 16th and mission.

So we're going to prioritize

replacements as necessary. And we are just being honest about the funding. I do want to clarify, it's not

the will, it's just the money is not there. >> I understand. I totally understand.

>> the other question leading to that is, what seems to be a

pattern of behavior is we're going to do this.

We promise you that.

We know you are upset constituency who is protesting. We understand the upset

neighborhood about the deforestation but we promise we'll get these trees in in six

months and it's just a

well-intended bald face law. Why should we approve -- I'm not doubting that what you are

saying and I'm not calling you a

liar, all right. Why should we know a pattern of behavior that hasn't reached

fruition of replanting and tied

into that, is there a way which

you can mitigate the situation.

That is to do a significant

pruning or otherwise of the

trees in the meantime and then

when you have funding, pull the trees and know that you are

going to replace them with 24 or 36-inch boxes?

>> so, regarding the -- there have been recent cases.

There was one 1801 filmor remove al of trees. there were two that weren't replanted yet.

We committed to replanting those

trees in a short-turned time. We are living up to the obligations. There's a lot of cases that

don't make it to board of appeals. On church street, the middle school there, we avoided board of appeals because we committed

to the community to plant replacements within three months or less.

We worked with the supervisors' office and we made that happen. There's a lot of success stories that, unfortunately, aren't

brought up before you.

We are planting replacement trees.

Are we doing all of them? No. And when we remove trees and

it's high-profile, murphy's law, do we have some replacement tree

issues out there? Yep.

Public works would never lie.

>> **V.P. Swig:** I'm not saying that you are lying.

You are unfortunate victims of bureaucracy and wishful thinking. >> we've never come at any of our hearings to say whether a public works hearing or board of appeals to say we're going to do this and not deliver on that. A lot of the trees that people

are complaining about are trees

that never part of a hearing and

so I think going back, regarding mitigation, it would certainly

make things a lot easier if we

can plant replacement trees. We do have funding.

I mean I don't want to go into specifics.

we have funding to plant some replacement trees. Where we're getting hammered by the public is well,

you haven't replanted all of them. Certainly anything that comes to the board avenue peels will be a priority.

The question is how do we really know? We don't want to hear back that these don't get replanted. We're going to prioritize cases that have come both at a public

works hearing and board of appeals.

So that's what we're going to do.

>> **V.P. Swig:** final question, I

hate to do this to you, but there's a bun of of people in this room who are upset at the situation so I'm trying to

figure out a way to send them

off pissed off at least with some hope.

If in deed we go in that direction.

What surety, how can you return

to the people in the back of the

room and what surety can you

give them that if we find in

favor of your recommendation,

what surety can you give them

that in fact that you are not

blowing smoke, innocently. And they will have tree replacement this is a maximum of six months? >> sure. The first thing I will do is

confirm with the street scape

team if we can use funds for

those planned replacements for these trees.

If they say no, then we're going

to find the money and do it.

Or ordinance requires replacement trees be planted within six months of removal.

if we hold a property owner to that we need to up hold and

follow it ourselves.

I think the greatest reassurance I can provide to the public and

to you as a commission, is how much we really don't want to

come back and have the lack of replacement be any part of the narrative. It really is that simple.

I mean, it just would be self-sabotaging of the

department if that's what it is.

>> **V.P. Swig:** do you think it would be a good idea for us to kick the can a little bit and postpone a finding on this to

request that you come back here

with paperwork that says, we got

the money and we're going to do it?

>> we can make -- we can plant, replace the trees on 16th street

at this location. We absolutely can. We have the funding to do that.

We'll do it within six months.

We're fully committed to that.

>> **President Fung:** or is there another option.

>> **V.P. Swig:** you know where I'm going with this.

>> we still have public comment.

>> **V.P. Swig:** yeah, I understand. Thank you, sir. I appreciate it. >> is there any public comment

on this item? If you are here for public comment, I would appreciate it if you lineup against the wall or move forward so we can move

the process along.

Please make sure, after you are

done speaking, to give gary a

speaker card.

Thank you.

[Please stand by]

>> -- and the functions that

they serve, I think that we

really need to either have you guys postpone this until they can come back and work with the community and really give us with some guidelines of what

they're actually going to do or to have you guys specify the

size of tree and the method of

which the -- they get planted.

Thank you.

>> good evening.

Peter papadopolous with mission

economic agency. And I also work with some spaces in this building as a volunteer including a small theater, and I have a tiny office in the building, as well. These are obviously critical

trees to our building, and I

think as acknowledged, there's been a loud and unanimous response to the idea of removing them. And maybe they do and don't have specific pressing health issues.

I'm still unclear after the presentation, but certain

things that we do know, this

was flagged as part of the 16th

street project that's going forward -- or maybe it's going forward.

It was done by any kind of outreach.

It's another red lanes project

as another main core of this project. The mission street core project was devastating to the

community, and this project has mass objection for obvious reasons.

The tree removal plan just

sounds so far fetched.

To remove 61 trees while you

dig up this corridor and put in red lanes.

The opposition is widespread

from district ten through district nine is going to bring

forward a lot of points about

how this needs to go through a

community process, everything

from trees to do we really need

red lanes here, if so, what is the function?

How are we taking care of businesses this time around?

What about the cultural change? We saw an enormous cultural shift in terms of what happened when you turned mission street as someone called it a bus

super highway from a family shopping corridor.

These kind of trees, to go back to them specifically, are a

huge part of the presence of this building. Everyone acknowledged it.

Supervisor safai expressed concern when he saw they were being chopped down.

And you all are having a little

bit of concern is is there

funding for this, and is there

something to replace it?

We'd like to maintain the

shading, maintain the windbreaking that it does. So for all these reasons, you can send a message that in terms of process, if this can be brought back to some kind of

clear process, that it's been

funded, that the community's

been checked in with. This is no small thing.

This is going to change this corridor a lot as part of this whole large-scale transit project that they have planned. Thank you.

>> **clerk:** thank you.

Next speaker, please. >> good evening.

My name is lucia obregon. I'm not going to bore you with

the benefits of having mature trees in the neighborhood, but each year, one tree produces enough oxygen for ten people,

and trees also help reduce the stress of the residents around it.

And you can imagine in the mission, a neighborhood

constantly in threat of displacement, how beneficial

this is, in terms of stress.

To ask to cut down 61 trees is a threat to life.

It's not a coincidence that all 61 trees that they want to be

removed are all along the

corridor, which where the red

lanes are being planted -- being built.

This is about an eco system that these trees are being part

of, that the mission is

constantly being disrupted

without input from the community? And what I'm asking of you is

to be an ally to this community

and hold this process of cutting down these trees. And now , I'm not asking you to cut down these trees based on their condition, but I'm asking

you to hold this process until

the sfmta considers an equitable process and the

community can be taken into account, and they can decide

what transit measures they can take for the community.

Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** next speaker, please. >> good evening.

kelly hill with united to save the mission.

I just wanted to say thank you to Mr. Buck. He's always been very receptive when we've contacted him in the past.

I think we need to look at this further.

The socioeconomic impacts of this red line -- impacts of

this red line coming down 16th street. They haven't engaged in community outreach to see what

these impacts are going to be.

Mission street has suffered greatly.

These types of improvement projects actually only

exacerbate displacement, gentrification. These are issues that are

hugely in the forefront of our community.

As great as property, for years,

the city did not maintain the trees. It was up to property owners, and now, finally, we're going to get that. It's hard to look back and

catch up on that, but now, it

seems a little bit too late, and we hope

n't want to see these

trees prematurely taken down.

I do appreciate commissioner

Swig's comments of maintenance or something coming back.

I think a 36-inch tree is too small. Something like a five-foot box,

we have to be looking at issue

of tree replacement, 61 trees,

and what that's going to do to

a neighborhood. Recently, the M.T.A. Was at a

neighborhood committee meeting, and supervisor Safai was concerned about the lack of outreach that the removal of 61 trees in two different districts was going to have on the community.

I think we need to delay this a little bit more come, and come

up with an idea that's going to work. Thank you.

>> **clerk:** thank you. Is there any other public comment? Okay.

Seeing none, we'll move onto rebuttal. Mr. Hough?

You have three minutes, sir. >> thank you.

I think you've heard from the community, and Mr. Buck seems

to be separating these projects

from -- these two trees from

the other 61 and prioritizing. Maybe because you know -- he knows who's in that building

and the push back, and wants to

isolate it to these two trees,

and that should not be allowed.

These two trees are part of this project. It needs to be considered as a whole. The idea of trimming -- and I

saw a lot of pictures, branches, etc., you know?

And I'm sure there's a lot of

branches -- they could take some weight off the thing until they

have a plan for the whole corridor.

If you allow these trees to be

removed, you must require at

least four or five-foot box

tree reason installed, not a 24 or a 36.

It just is not enough to replace these trees.

So you know, I ask you to do

what you can, but I really

think, you know, a full hearing

with sfmta on this whole issue, and don't allow these trees to be cut down on the real issue,

which is the culture of 16th street and the outreach and what sfmta is doing. That's it. Thank you.

>> clerk: thank you.

Mr. Buck? >> good evening, commissioners. Chris buck, san francisco public works bureau of urban forestry. I heard the feedback loud and

clear about replacement trees. Covered a lot of ground on that.

No one wants to remove the tree. Like, I don't go to this site

thinking that is going to be fun.

We'll look at the trees as

arborists themselves. We look at the trees themselves.

They're ficus.

How do they fail? They split apart at the main stem.

I've got so many different examples. Sherman elementary, we've got

four, I think we can keep three.

One of them fails, and it injures a parent.

We're not creating work for

ourselves. That's not what this is about, and I jokingly say I used to

believe in conspiracy theories

until I started working for the city. There are two things going on here.

For sure, there's this M.T.A.

streetscape project. No one denies that.

We also, as the bureau of urban

forestry have the duty to maintain 135,000 street trees. I apologize, but there's going to be two things going on at the same time. Now, will there be a community meeting? Yes.

We haven't posted these 61 trees for removal. I need to let the project

people lead the project and do that.

We'll be in touch with them for sure.

They'll be outreach to the

community, and then, we'll put

notices on the trees. And the moment we put notices

on the trees, I personally had no idea. Everything that I've heard this

evening is sort of news to me,

and the acrimony between the building and the project.

I wasn't excited to hear that, but it is what it is. It's unfortunate, the timing, but I do want to assure everyone we have two things going on simultaneously. We're not going to serialize

the removals out on 16th street.

There's just no benefit to that. I will pretty on the project team to make sure they're doing

their out reach and have a community meeting, that notices

go up on the trees just so

there's more public information. That's all I have to say.

>> Commissioner Honda: I have a question, Mr. Buck. Out of the 6 # 1 trees, are these

the three worst trees out of all 61?

How did these particular trees

get selected because being a

long time san franciscan, 64th

and 16th street are the

pinnacle of that corridor -- and I can see what's coming, but we need to move forward on the removals.

>> **Commissioner Honda:** no, so the question was are these

the -- these the three worst or two worst trees out of the 61 proposed? >> for sure, these are some of the worst, and the others we

posted, similarly, we didn't want to wait around for it.

>> so did you apply for the others or just these two so far.

>> we applied for the removal of ten to 12. Etc. He on family leave right now, bonding with his kid, so I don't have the number in front

of me, unfortunately, but there

are a number that we need we're initiating the removal now.

>> **Commissioner Honda:** is he -- but is this the first two out of these ten?

That's what I'm trying to get to, why these two out of the 61

that were in that project?

>> the project itself, I don't control the pace of that project --

>> **Commissioner Honda:** you're

not answering my question, Mr. Buck. >> well, I'm trying.

So we walk the site. There's 61 potential removals.

Separate from that, I'm the urban forester.

I manage the trees in san francisco.

i've got ten to 12 ficus --

>> **Commissioner Honda:** so the question is are these the first two trees?

>> these are about ten to 12

figus that we've posted for removal.

>> **Commissioner Honda:** is this

the first two out of the ten trees. >> new umerical, I don't understand how that plays into the listing.

>> in the words of yogi berra,

this is deja vu all over again. Two weeks ago, we were here.

We introduced you to each other. We said we understand your point of view, but you have a lot of really open issues here

that the public is owed a plan,

the public is owed clarity, the public is owed every

opportunity for you all to get to introduce each other, get

together in a meeting room and

come up with a more formal plan.

What I'm seeing the deja vu

piece is M.T.A.'s over here doing your streetscape. You're going I've got these

trees over here that are going to go boom and fall down and kill somebody. I don't doubt that, and you want to move forward -- and I heard your pledge, you said

replace them in six months.

But let's say you put redwood

trees in there, right? And then, the M.T.A. In their wisdom said, you know, our

designers say that japanese maple, another bad choice, is

the right thing, but we just

replaced these with redwood trees seven years ago when we were actually anticipating that next year,

you were actually

going to do this project -- I'm saying sarcastically. >> sure.

>> so is there -- and this

really bugs me because there is no plan, there is no coordination between yourselves and M.T.A.

Not your fault, it's M.T.A.

Who's lagging, and you are at

risk of taking some action

that's going to Miss Off some people.

You are taking action to

replace some trees in six months by your pledge, but they

May be the wrong trees, and they May be out of context with the original plan, which is

going to open up another can of worms.

So I'm going to go back to --

and this is what bugs me.

This is dysfunction city,

department dysfunction at its worst. And I'm not blaming you, but looking at M.T.A. About this, but worried because this is

going to fall on your shoulders

and cause you a big problem. May I ask you, regardless of your pledge that you were going

to replace these trees in six months, but in consideration of

my concern that you're going to

replace them with something

completely different, is there

a way to mitigate the situation, mitigate the danger

by surgically applying a

measure to these trees to

postpone their demise, really,

with the idea that it becomes part of the general plan and

you're not redoing work. >> our department wants to address the public safety that

these trees present. If the board or commission

seeks to continue the item to get additional reassurances,

I'd prefer to have that --

>> Vice President Swig: you're not answering my question. It's a yes or no question.

Is there a way to sustain these

trees in their position until

there is more clarity of the project and surgically adjust

them so to mitigate some risk

of health endangerment at this

point, yes or no?

>> there is, but public works isn't going to be willing to do that.

We'd prefer to continue the item and provide any additional

information that the public

will need to facilitate replacement. It's a huge undertaking.

It's going to be double the cost.

>> **President Fung:** let me interrupt a little bit.

>> **Vice President Swig:** sure. You can take it.

>> **President Fung:** and perhaps

look at it from the point of

view of a similar situation,

different department.

Quite a while before there was

a heavy rash of residential demolitions, but no excitement.

So now, it's standard practice for both building and planning,

if you have a demolition permit, it's held in abeyance pending the full entitlement of a replacement. I mean, isn't that something could be done here, pending,

whether it's the entitlement of

an overall plan or whether it's funding? >> the condition of removing

the trees would be absolutely

committed to replacement if

public works doesn't have the

funding to replace the trees, don't remove them. It's additional language that

could be expressed so the

message is clear and strong.

>> **President Fung:** and

hopefully, as you're saying, the time could be relatively short.

>> **Commissioner Lazarus:** I have a couple other questions.

>> **President Fung:** no, go ahead.

I was just trying to see if there was another way of dealing with this.

>> **Commissioner Lazarus:** so I just wanted to clarify. There was a hearing on this in late October, right? >> correct.

>> **Commissioner Lazarus:** and what's the outreach in terms of notifying people of that hearing? >> so we -- our ordinance

require that we post 30-day notices on proposed -- trees that are proposed for removal, so that's what we do.

And I -- what's interesting is this is where I think sometimes

I ask for people to be understanding.

I don't keep track of every

project in the city. 125,000 street trees, sometimes

we go out and we walk into a hornet's nest, and I don't do that intentionally. I hear some confusion from the public, like, it's just too

planned. No, we go out there, and we go hey, these trees are really bad.

So 30-day notice, and then, we received a protest. so then, we scheduled the matter for a public works hearing.

So we did have a public works hearing.

>> **Commissioner Lazarus:** and I

think similar to another case a

few weeks ago, have you

analyzed what the largest possible tree replacement would be? Whether it's two or three.

>> I looked out to see the number of trees were planted at

the site?

There's definitely remove for three total trees, the removal

of two with a replacement of tree.

We hear the concern about the number and the size.

We can't replace these trees in

the next 20 years.

>> **Commissioner Lazarus:** right.

But, I mean, is 36 the maximum

as far as you know? >> I guess my concern is that

public works is not seeking to

replace for any other reason

another public safety. I'm trying to address public safety. I don't want to come in here

and overcommit to we're going

to restore the canopy.

>> **Commissioner Lazarus:** yeah, I understand.

>> yeah, I'm just a little worried about that. We are still investigating

about what can be done with

2465 vanness, the largest

possible size.

>> **Commissioner Lazarus:** okay. Thank you.

>> **clerk:** anymore? Okay. Thank you. Commissioners, this matter's submitted.

>> **Commissioner Honda:** I'll start. What a surprise, huh?

As was mentioned, we recently

heard a bunch of cases on trees.

To me, I am not supportive of these trees being removed.

We just had a conditional use

authorization for trees to be

saved, and it was ordered that the trees be cut down. I am not supportive of tearing these trees down.

At minimum, I would support a continuance.

I mean, sorry to continue, but

the department says they have no money.

The problem lies not with the department, but with proposition e. That legislation was made to

support these trees, but no

effort was made for replanting. I love how legislation was made and no one considered the sunset of these legislation.

We've recently heard in this

very room how often D.P.W. Has promised to plant trees, and

years later, there's no trees.

>> Vice President Swig: so --

I'm not going to have the argument with my fellow commissioner, because I could go along with this.

My concern, Mr. Buck, is this.

Why I'm spending so much time on this, this ain't going to be

the last time, so you just

identifies 61 trees that are candidates for more

conversation, and where there's

61, and another 61 and another 6 is 61.

This is why I'm belaboring the

point, and not you and D.P.W.

What I would like to see D.P.W.

do in situations like this is

knowing the sensitivity of the neighborhood, knowing all the things that we put you through

on a weekly or biweekly basis, it seems.

What I would like you to do is we've got two trees that we've got to tear down.

We don't want to tear them

down, because we love our

trees, but they're a health risk. These trees are part of a much

larger picture with regard to M.T.A. We have consulted with M.T.A. They had a plan.

That plan is going to continue,

replaced with certain trees

because they are of a certain architectural type.

This is what we're going to

replace them with, the largest possible, and here's what we're going to do.

If you come in and say that, you're going to get my support, unless I think you're crazy and

shouldn't be taking down the tree. I believe you're telling the

truth, as you always do, and they do present a health hazard, but it's so out of context of everything. It's so arbitrary. There is no plan.

There's no reference and no cooperation with M.T.A. There's no suggestion of how big a tree, what we're going to do and where the funding is going to come from.

How can we support you when

you're not wrapping up with a firm ball of comfort, and you're not. So darryl's suggestion is good

enough for me, but -- or we can

just kick the can, say let's hear this again when you've got more information in a similar

fashion, again, deja vu all over again. Again, come back with someone from M.T.A., tell us about all

the 61 trees and how these trees trees fit into it, and just

proactive initiative.

That's all.

>> Commissioner Lazarus: I'd wait to see what gets proposed,

but I do not want to be associated with these two trees being a suspicious pair or we've heard time and time again about the department planting

trees when they said they would.

I think there was one reference

to that at a hearing a couple weeks ago.

I think we've been given information about how things don't come here because they get handled properly. I don't wish to lay a major

case out here but to deal with

this particular instance.

>> **President Fung:** you know,

the -- I'm not sure that M.T.A.

Will listen to us any way, but they are the deep pocket,

although they seem to be running over budget on all their projects.

>> **Commissioner Honda:** they're

doing such a great job on vanness.

>> **President Fung:** as you'll

recall, vanness was piecemeal to us. And so when you're dealing with

a -- an appeal of a couple of trees, but you never see the

entire picture, it's one thing.

But however, the question is really not so much these two trees.

I think the appellant and others started with wanting to

save the trees but then wound up talking about replacement

size, more of a concern with an overall plan and everything. I'm looking at it just purely

on the basis of this permit itself for two trees,

recognizing the issues with the

figus, but also the fact that we need renewal.

So I'm supportive of the department taking down trees that need to be replaced. I think we can condition it so

that the demolition occurs when

they have full entitlements.

>> **Commissioner Honda:** so how

would you condition that, Mr.

President?

>> **President Fung:** I think you

would demolish when you have

your conditions in place.

>> **Commissioner Honda:** would you support it or condition?

>> **President Fung:** I would condition.

>> **Commissioner Honda:** I'm not

supportive of that, I'm sorry.

>> **President Fung:** you're not supportive?

>> **President Fung:** I would actually deny the permit on the grounds that the property

notification was not done.

>> **Commissioner Lazarus:** I can't support that.

>> **President Fung:** okay. But is that a motion?

>> **Commissioner Honda:** I'll make that motion.

>> **President Fung:** okay. Let's vote on that.

>> **clerk:** so we have a motion from commissioner honda to

grant the appeal and overturn

the public works order. On what basis?

>> **Commissioner Honda:** on

proper notification was not given.

>> **clerk:** proper notification was not given. Okay.

On that motion --

[Roll Call]

>> **clerk:** okay.

So that motion fails.

Do we have another motion?

>> **Vice President Swig:** I'd

like to postpone action on this

item, a very short window, so

that Mr. Buck can come back.

>> **Commissioner Honda:** the department.

>> **Vice President Swig:** Mr. Buck can come back on behalf of the department and provide us more clarity on the project. That is the type of trees, the

size of the trees, and where -- where the money is coming from,

at which point, I would -- at

that point, I would make a

motion to uphold the appeal on

the condition the permit be

issued with those three

elements in place.

>> **Commissioner Honda:** how long of a continuance are you looking for?

>> **Vice President Swig:** so that's a continuance?

>> **clerk:** okay.

And when would you want to continue it?

>> **Vice President Swig:** when do we have time for --

>> **clerk:** I guess that depends

how much Mr. Buck needs?

We can put it on the 20th.

>> **Commissioner Honda:** I won't be here on the 20th.

>> **clerk:** okay.

So we have a motion from vice President Swig to continue this matter to February 20.

On that motion -- for the

purposes of -- so the urban

forestry can provide clarity on the project, more specifically,

the funding source, and what the trees will be replaced

with, the size and species. Okay.

On that motion -- [Roll Call]

>> **clerk:** okay.

So that motion carries, and the

appeal is continued to February 20.

>> **President Fung:** Madam

Director, let's take a short break.

>> **clerk:** okay. We're going to take a short break. Thank you for your patience.

>> **clerk:** welcome back to the

board of appeals February 6, 2016 meeting.

We are now on number seven.

Subject property is 33517th

avenue, protesting the issuance

to Cynthia Lo of a site permit,

horizontal permit, add bedrooms

and bath, add interior stair,

add family room at second floor,

add master bath on third floor.

-- master bath on third floor, and the appellant has requested

an interpreter, so her time will be doubled. So if you could please approach

the microphone, Miss To, and the interpreter. So it's my understanding that Miss To will be speaking to

you, and then, you will translate, is that correct?

That's why we're doubling her time?

>> Mr. Wo will be speaking to

the board, I'll be interpreting.

>> **clerk:** okay.

Is she going to be speaking english?

>> some of the parts will be in

chinese, and some of parts will be in english.

>> **Commissioner Honda:** you're going to have to hold the mic, I'm sorry, ma'am.

>> **clerk:** she can also stand over here.

It's a lower microphone. >> we needs

she needs to use the projector.

>> **clerk:** well, you can bend the microphone.

It goes down. >> >>. [Through the interpreter]

My name is cherry to, and I'm

presenting this to the board.

It's about this coming through my window. Mike, my neighbor, is saying

that I'm here in front of the

board to ask for money. Money is not an issue here.

I'm in front of the board to

ask my sunshine, my fresh air,

and my view back.

I don't want my tenant to

complain because I do have

tenants there. It's not an issue of the money, it's about the work.

If you give me the money, I'll spend me the money on the work, so you might as well just you

spend the money on the work yourself. There was an 18-page document

that was sent to me on January

30, and it went to my junk

mail, so I didn't see it until

yesterday, February 5. So this morning, I came to the

board of appeals on February 6

to ask for the 18-page document. I don't have a printer. I do have a camera at home, so

i have to go to the library to print it out.

It's very inconvenient. That's why I went to the board

of appeals, asking for the 18-page document.

And I asked the board of appeal exactly what the plan is 'cause

I didn't understand the plan. And the board of appeal wasn't

able to tell me, and they

referred me to elizabeth white

at the department of planning. Elizabeth was busy, and she

just asked me to call mike because mike is the person that made the planning, and he would be able to tell me what the

plan is because she didn't know.

Mike was very upset, and he told me I'm wasting his time

and money, and he told me for

sure I would lose the case.

And he asked me to not even

appear in front of the board.

And the issue is I didn't

understand the plan, and if you

explained it over the phone, I wouldn't understand, I would

need to see it in person. Mike said I'm a veteran, I should be able to understand it, but it's technical.

It has nothing to do with being a veteran.

He said that I'm here for money. I am he not interested in the money.

The money you give for me, I'll

have to spend on the work.

But from June to October of

2017, I was in san francisco.

And I was also in san francisco

in February 27 to March 18.

And lo, my neighbor told me that there was a letter about

something that was delivered to

me in December.

Lo sent me a letter.

>> Commissioner Honda:

overhead, please.

Thank you.

>>.

[Through the interpreter]

Lo sent a letter about a

meeting on December 13, but

when I got the letter, it was

already February 22, 2018.

So I missed the meeting.

I had no idea about a meeting.

So -- because he was sending a

letter to my home. And mike send me an e-mail regarding my rear window on

March 30, 2018.

And I was actually grateful for my attorney being concerned

about my rear window. And the attorney was referred

to me by elizabeth.

So I showed them the letter and

my e-mail from mike to my

rental agent, you u, April 2 'cause I wanted to figure out

who exactly michael was. And my rental agent contact the

city, and there was no update.

So there was a note from -- on

February 9, 2018, from peter

from department of building inspector. And peter presented us with a

notice of violation on May 8, 2018. And we went very quickly to correct all the corrections

that needs to be made. And now, we received a permit

for a rear window on May 21, 2018.

It's the window that's already existing. We bought the house when we

were about 20 years old.

The house was the way it was.

We rarely stepped into the

house where the window was into

our 20's because we were busy

with work. And it was just me and my

husband who lived in the house,

nobody else.

There's no way that we did the window on our own without reporting to the city, and it

was decades ago. Who knows.

That's almost 40 years ago.

I think michael was wrong.

And I was not in arkansas from

August 5 to November 9, 2018.

And there was a building permit

notice on November 14.

And then, I ask elizabeth about

the building permit on 335 on

17th avenue. And business leggett asked me

elizabeth asked me to come to the board of appeals.

>> **clerk:** you have 30 seconds. >>.

[Through the interpreter]

I met lo in 2017, and she was nice to begin with, and then,

she turned her attitude. Because we were not friends

even though we both speak chinese.

>> **clerk:** okay. Thank you. >>.

[Through the interpreter]

Should we ask if we block a little bit of her driveway?

>> **clerk:** okay. I'm sorry, ma'am. Your time is up.

You'll have more time in rebuttal.

When did she realize there was

the 311 notification? I believe she said that she didn't receive it. When did she notice -- when did

she receive that notification

in arkansas?

>> **Commissioner Honda:** okay.

>> **clerk:** can you speak into the microphone, interpreter.

>> I went back to arkansas August 13, 2018.

>> **Commissioner Honda:** okay. Thank you.

>> **clerk:** okay. We will now hear from the

attorney for the permit holder.

>> **Commissioner Honda:** thank you, gary. >> thank you, Miss Rosenberg and commissioners.

My name is mike raifsnyder.

Cynthia is my wife, so it's the two of us that are the permit holders. Now I think what just happened

was we heard about how Miss

Cherry to, the appellant, didn't get notice.

But in fact, I included in my

papers e-mails from her where

she was e-mailing me back even in March of last year, and she

was e-mailing her real estate person, and she was saying, is there any way we can stop this project, so she knew about anything.

With respect to the 311 notice,

we hired a service to do that,

we didn't do it ourselves.

And also -- oh, you know, I

don't want to forget to say that when we were sworn in, I

raised my hand, my wife raised

her hand, Miss To did not stand, she did not raise her hand, for the record.

What I thought this hearing was going to be about was this window in the back. It's not a rear window, it's a

window on the property line. It's a small little window on the property line.

I also submitted with my papers

some plans that Miss To submitted to the building department, and those plans, they don't show a window there,

you see, so she's -- I think she was trying to mislead the building department for the planning department. With respect to her not understanding things, I just

have to tell you that when she

asked my wife and I how to deal

with the neighbor who was a

problem, we responded and she

understood perfectly.

When she asked my wife what color should she paint her house, we had a discussion with her, she understood perfectly. One Sunday morning about 7:00, they were about six workers at her house, and they were with

their hammers, knocking walls down. When we said Miss To, cherry, what's going on with that, why

do you have workers at 7:00 on

a Sunday morning knocking walls down, she didn't understand.

When we said Miss To, why are

your workers blocking our driveway and throwing cigarette butts all over the place, she didn't understand. So they came here this morning, or this evening, and she

says -- I think she's saying

that she just doesn't understand. Another thing I pointed out in

my papers was everything is

available on-line. The e-mails indicate she was

watching on-line, her real estate person was watching on-line. They were communicating with each other. Our site permit was approved. She filed her appeal the very next day. so I don't know if this appeal

is going to be about her allegedly understanding or if

it's what she put in her appeal, and that is this window

on the property line, on the side.

And I reviewed the video of

the -- of the hearing on

January 23, 2019, on 729 de

haro street, where they wanted

to build up and it would block all those windows, and there

was a discussion about how this

is repeated over and over, grandfathering is not something

that's acknowledged by the property department, and

somebody with a project on the

property line, it can't be upheld.

We should be allowed to go

ahead and -- go ahead with our work because we've done everything by the book. Everything we've needed to do we're done.

I'm here for any questions if anyone has any.

>> **Commissioner Honda:** thank you. >> thank you.

>> **clerk:** thank you. Mr. Sanchez? >> thank you.

Good evening, President Fung,

members of the board.

Scott sanchez, planning department. [Inaudible] >> the permit was subsequently

issued and appeal today this board. The proposed horizontal addition is completely code compliant. We have had a string of those types of windows with property

line windows to the board of

appeals lately.

as the permit holder stated,

windows on the property line be protected. The appellant submitted plans that did not show a property line window.

What the permit holder had

submitted was a sketch because they're not allowed to submit

the actual plans, but they

submitted a sketch, and they were correct. The plans did not show a property line window for that top floor. It wasn't misrepresented the windows that were there because if you look at the photos of the rear of the property, it shows only the one window, but

on the plans that they had submitted, there were more windows on the rear. Again, the project is code compliant. We'd respectfully request that

the board uphold the permit as approved and issue. Thank you.

>> **Commissioner Honda:** just one question, Mr. Sanchez.

In the brief, it shows one window, but you say there's four in the back rear area?

>> well, the photos correctly

show I think what is there now. But on the plans the appellant

had submitted in 2017, they did

not show a property window, and

they had actually shown two windows.

>> **Commissioner Honda:** just for

curiosity, would that suffice

for light and air, do you think.

>> that would be up to building inspection.

This would meet the building

code requirements.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you.

Mr. Duffy, we'll now hear from D.B.I.

>> commissioners, joe duffy, D.B.I.

The permit under appeal was

reviewed by building D.B.I. And

D.P.W. And planning, as you

heard, so I don't see any issues with that property. The property line window, every

week, we talk about it, Mr. Is not not not

not -- Mr. Sanchez just said. That window wouldn't have any standing because of the work that's getting done, like, next door.

I've said that here before.

I don't think the construction

is going anywhere near. Window.

It's quite a way away.

We got a complaint at the end of last year for this window.

It might be since they started construction, it might have been put in, but I don't think

it was put in recently. But I -- you know, it's

probably better just to leave it alone, and they keep their window, but it shouldn't hold up the project for these people.

I'm available for my questions.

>> **Commissioner Honda:** same questions, inspector duffy.

Does it affect the light and

air and liveability of that room? Skbl I don't think so. Someone said there's two windows in that room.

>> **Commissioner Honda:** and last

question, if it's that close to

the property line, does it need to be fire rated.

>> if it was put in today, yes.

But a lot of them, it could be

put in at the start of it years ago. If it was put in recently, yes, it should be fire rated, but

the age of construction, we

determined whether --

>> **Commissioner Honda:** so it

doesn't have to be upgraded at

that point? Zm

>> it's a case-by-case basis, commissioner honda.

If you change the size of the window.

Ab 009 would kick in possibly.

>> **Commissioner Honda:** okay. Clrk

>> **clerk:** okay. Thank you, Mr. Duffy. Is there any public comment on this item?

Okay, seeing none, we'll move

onto rebuttal, so Miss To has six months to provide a

rebuttal to the board.

>> I'm not really sure what the

idea is.

>> >>. [Through the interpreter]

And my issue is, if you allow the permit, what am I going to do with a hole in the wall?

Now I'm going to spend money to patch the window, I need to

spend money to explain to the tenant. What am I going to do with all the expenses?

I'm not sure what to do. I'm a veteran, I don't have a

lot of money. What if my tenant gets upset?

I have to consider all of that. He can't say I'm a liar because

I didn't stand up and raise my hand.

I was focused on my documents.

I have a picture.

There's a pipe.

So rk woulder told me the pipe -- worker told me the pipe originally wasn't there, and it wasn't there

originally, but now, it's there. The pipe was stuck, it was

attached to the wall, my wall.

Well, he didn't ask me about it. He didn't ask for permission

for doing this.

Now, the pipeline on this is

stuck because appeal now, the

pipe is unstuck.

But he -- when it was on my

wall, he didn't ask me. What do you want me to say?

Am I responsible for all of this? When I bought it, it was a window. Now, it's a hole.

What am I going to do with it?

Now I need to patch up the hole. It's my responsibility, it's a

lot of money. I'm not a liar.

There's no need for me to lie.

My girlfriend was trying to deliver --

>> interpreter needs to clarify. >>.

[Through the interpreter]

My girlfriend tried to deliver

papers on December 17. It was really rainy, really windy, really cold. It was the worst weather in san francisco in 11 years, and she went to the door, he wouldn't answer the door.

He was walking around inside. I told my girlfriend to just call him because I told her

that you're a woman, so he might thought that you were a

man and there was danger to

him, and since you're a woman, you can just call him, and he

was just walking around the house. And fortunately, my girlfriend was able to squeeze the letter

in under the door to the house.

And now he's asking me to go to

mike and ask him what the plan is. And today, I called mike, and

mike was telling me that you

only want money. Mike said you better not appear in front of the board.

>> **clerk:** okay. Thank you. You can be seated. Thank you. Okay.

We will now hear from Mr. Raveschneider. >> okay. Thank you. I'll be very brief. I haven't seen that picture before about the pipe. I have no idea what that is. It's certainly not part of the appeal.

With respect to the tenants, I saw one of the tenants on my way here. She's a very nice person, she didn't say anything to me about the appeal or the window or anything. There's been no documentation or testimony from any of the tenants about that window.

In fact, that little window in the back, Mr. Honda, you said something about four windows.

I was talking about a totally

different hearing that I -- I

just watched on-line where there were four windows.

>> **Commissioner Honda:** no, I know which hearing you're speaking -- or references. >> okay. So I don't know that the tenants care.

When I look out at that window, it's always closed, always. The only exception is this

evening, it was open when I looked out.

Oh, Miss To said she's going to lose the window. I don't think anybody said anything about her losing the window. I think the building department

said it was okay, and the

planning department said it was okay. So I don't know where she gets that.

The business about my door, the agreement was she was supposed

to have papers delivered to my

office at union square, and instead of doing that, she had somebody go to my house, and of course I'm not going to answer

the door at 7:30 at night. So if there's any questions,

I'll be happy to try and answer them. No? Thank you so much.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. I'm sorry.

There's no further comment.

Mr. Sanchez? Okay.

>> **Commissioner Honda:** are you relinquishing your time?

>> like to speak for planning -- no, I don't.

>> **Commissioner Honda:** no, I don't.

>> just if I could have the overhead.

so this was in the brief, and I think this clarifies everything, and what the

gentleman just said here, there's no one here telling the appellant they're going to lose the window. That's the window there, and there's no new construction going against it.

Even if there was, like, that's

worse, so best case scenario, that window stays. The permit holder said he doesn't care about it, so I'm not sure what this is all about. She's -- the lady explained about a hole in the wall.

I don't get that part. I'm not sure. There's photos in the brief of

a window -- is it a legal window?

Probably not, but as I said earlier, if it was existing at the time of construction, you

just -- it's -- it's there, and

it's not impacting this

construction, and the people that are going to do the construction are okay with it,

so that's it. Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. Commissioners, this matter's submitted. >> President Fung:

commissioners? >> Commissioner Lazarus: barring any discussion, I would move to deny the appeal and

uphold the permit -- appeal and

uphold the permit on the issue it was properly appealed.

>> **President Fung:** actually, I'm not sure what the issue was. when I looked at it, the window stays.

So there's no more comment, ma'am.

Would you make a motion?

>> **Commissioner Honda:** yep, that was the motion, I think.

>> **clerk:** okay.

So we have a motion from commissioner left side arecess

on the basis the -- lazarus on the motion the permit was properly issued. On that motion --

[Roll Call]

>> **clerk:** okay.

The motion passed.

On that pel, the -- appeal, the appeal is denied and the permit is issued.

Okay.

Next item is --

[Agenda Item Read].

>> **clerk:** and we'll hear from the appellant first. You have seven minutes.

>> okay. My name is kathleen tracey.

I've lived at 2445 turrey street for 16 years.

This approved permit was

submitted by appellee, my

neighbors at 2345 turrey street. They were asked to legalize,

modify or remove unpermitted windows. When I saw that their permit to correct the notice of violation

was approved, I went to record management to view the

submitted plan and permit.

I became concerned they were

circumventing the system again

and legalizing windows.

The architectural drawings were

showing that they were lying about the lot line windows.

I ask that the suspended permit be modified, that it include

all lot line windows adjoining

my property, not just the above referenced two.

There are a total of six windows. All of these windows need to go

through the process of legalization, modify or removal. Currently none of these comply with fire safety and most importantly pose a fire hazard

to my property and my family.

The fact is all six lot line windows should have gone through the permitting process

back in March, when my neighbor received their first notice of

violation for unpermitted windows.

This was a notice of violation that they received.

I'm just, like, surmising it --

and this was March 16.

Windows replaced at rear facade and north elevation are to exceed the scope of permit, blah, blah, and blah, blah.

There are a total of 19 windows replaced.

Corrective action: obtain building permit with proper approvals for all windows replaced.

So then, my neighbors -- oh, and I want to just show you the windows. So they talk about the rear

facade of the 19 windows.

This is the rear facade.

These windows are also the rear facade, but these are the lot

line windows, so there's four right there. These are also lot line

windows, but these are part of the north elevation that was on

the permit, and then, these are

also the north elevation windows, and these are visible from the street. Couple days later, my neighbor files a permit to comply with the notice of violation.

This is what they filed.

It says, to comply with notice

of violation, you factor.32 max, approval previously installed fiberglass windows on rear of building, work

completed, not visible from street.

This ignores all 19 windows that were cited. Most importantly, the six lot line windows that represent a danger to my home and my family.

I want to show you why I'm so

concerned about these lot line windows.

So this is a survey -- did I not do it right? I'm sorry.

This is a survey we had done on

our house in March of 2017.

So first, just looking at the picture, this is hi house.

This part with the red arrow is

1.25 inch on my property.

This blue arrow, this second

part, is.625 inch on my property.

So with regard to lot line

windows, it applies to all --

current code applies to all new windows.

All of these windows are within zero to 3 feet of my house.

They are not permitted.

Four of the windows are on my property, two of the windows

are within 12 inches of my property lines.

These windows are not to

building code. I also want to call attention

to what I believe is the most hazardous of these lot line windows. This windows is operable. They keep the window ajar.

It is not fixed with fire rated

glass, it does not have sprinklers.

I cannot find anything that says electric to code. It serves no purpose other than to look into my house. This is a reckless endangerment on my house.

My neighbors keep avoiding the

permit process to ensure that windows are per the building code.

While I agree with the original

and current N.O.V., it is the six lot line windows that tern me the most. To ensure the fire safety of my

home and family, I am asking

the appeal board to modify the permit and include all six lot

line windows, so that these windows can go through the

process of legalize, modify or removal. And if I have a few more minutes, I just want to kind of talk about the rebuttal that I received from the attorney and

just briefly touch on this. One of the comments they made

on this, of which 16 were installed, many of with issued

permits by owners of the property. They -- they didn't include the permits.

I pulled an r-3 report. There were no permits that were

pulled for previous installed windows.

>> **President Fung:** you'll have three minutes of rebuttal following this.

>> okay, yeah, I'll just do it then.

>> **Commissioner Honda:** you

indicated you lived there for 19 years.

You didn't have a problem with them for the last 18?

>> no.

>> **Commissioner Honda:** and were they different neighbors? >> oh, they're different neighbors. I want to point out that the

window I find the most hazardous, my neighbor never

used that part of that house.

Those two rooms are not insulated.

It was shut off, there was a curtain, I never saw that window.

>> **Commissioner Honda:** okay. Thank you. Thank you.

>> **clerk:** okay.

We will now hear from the

permit holder.

>> my name is alice walker,

representing Mr. Bromaci.

What you see is the window that

was permitted prior to the windows before you, the 19 windows she talked about. When they purchase this home,

all the window except for these

two window were already in the building. They took our permit when she

complained to legalize all 19 windows.

Let me say 17 windows.

I take it those two are fine.

Those permits were issued lawfully. She did not appeal the permit.

Now she's trying to bring all the windows into this permit,

and this appeal, which is two windows. Those two window, we will

acknowledge that one of them

was existing.

they had enlarged it, and then, they put a new one above it.

The issue before you is whether this was approved by the department of building inspection or whether they should be fire rated.

Because of the fact that the

window is not absolutely perpendicular, 90 to the property line, the question is whether it should have been fire rated windows.

My client is perfectly agreeable to replace those windows with fire rates window

if that is what the code require.

I would just mention that in the past, the planning code have a provision -- I mean, not

the planning code, I'm sorry.

The building code had a prifg

that if the property line is at

angle or maybe it's less than

that, that the window can be perpendicular -- will be

treated as perpendicular, but

in the new building code, that that's gone.

I cannot find it.

So we will do whatever the building code ask us to do.

If not, we would ask the board to issue a condition of approval that the windows be

put in -- that they should be fire rated.

But all the other windows that

she talked about is not before this board. In fact, they were lawfully approved, legalized, and she did not appeal it.

>> **President Fung:** counselor, are you finished? >> thank you.

>> **President Fung:** are you finished? >> yes.

>> **President Fung:** what is your

response to the survey that the wall these windows are in are over the property line? >> first of all, on the survey,

we going to be doing that, and

on -- this building was built in 1930, and all the property line windows were put in way before, and they were -- some

of those windows actually have

permitted, and as this board

know, in san francisco, when a

building is built in the 1930's

or before, even in the 50's,

sometimes, they do encroach on the property line.

We will have to go and do a

survey, and if there is an encroachment, I don't think

that it's the proper subject matter for this board to determine that it's something

to be removed, that it's something we can talk to them about, some kind of -- that is something that should be

addressed by the court if they

wanted it removed.

>> **clerk:** okay. Thank you. We'll now hear from the planning department. Nothing? Thank you. Okay. We'll hear from the department

of building inspection. Request.

>> commissioners, joe duffy, D.B.I.

Probably be better if I used

the overhead again just to have

the drying on the overhead.

>> **Commissioner Honda:** I like paper.

>> I printed it today off our

paper version.

As you can see, it is a very odd-shaped property line, and I

just marked up the windows in

question are on here, which is

not on the property line, but

perpendicular to it. And just real elevation, you've

got an existing window here,

and then, we've got -- this

one's enlarged, and then, we have a new window above it.

Now, it's actually a very good code question because you could test a lot of inspectors on

this one. I do believe from my toerpgs interpretation on the code that

I believe it should be under ab 009, which I haven't talked about in five minutes.

They probably should have been

45 minute ab rated windows. And follow the code.

It's -- and I ran that by another colleague at D.B.I. And I'm just getting his opinion on this.

We didn't get this approved on

this permit.

We did it as regular windows.

I think the young plan checker

just missed it, but you know,

they definitely should be 45-minute rear windows.

The other windows that the appellant is referring to, in

my opinion -- let's move it up

a bit -- over in this part of the building, and there's one set back over here.

Well, they seem to be far enough away from property line that they don't need to be fire rated based on these plans and elevations.

They're not part of this appeal.

There was a permit issued by

D.B.I. And completed.

There was 16 windows, as you heard. the planning department don't have much of a say on the approve.

D.B.I., whereas you can put in

what sort of windows are historic.

At the back of the building, we

allow vinyl windows that are

not on the property line and just at rear elevation. I think that's all.

If you have any questions, I'm happy to address this.

>> Commissioner Honda: I have one.

We just had this particular case recently where there's a

property line in dispute and there's one survey done.

How do you issue a permit if it's encroaching? >> the survey, we didn't get a survey on this. There's no survey there, but that's a civil matter.

We refer those to the courts,

to honest with you.

>> President Fung: I think his question is can the department

issue a permit for one property when it straddles another property.

Isn't that your question?

>> **Commissioner Honda:** I believe so.

And I believe you answered it --

>> yeah.

If we got a survey, we could present it to the permit holder

and say we're in receipt of a

licensed survey, and go speak to them, get this figured out.

There are ways to do that. And if the -- they don't agree on that, there's a possibility

that the windows would have to come out. We refer disputes that are down

to a matter of inches to the courts.

>> **President Fung:** understood,

and we've seen them, too.

>> we don't get into that side

of it unless we have to.

>> **President Fung:** I didn't understand the question about

perpendicular to the property line. Did you understand that? >> if anything's 90 to the

property line, they don't

require it to be fire rated,

but once you start getting angles, you're getting into that.

We used to -- the code used to address that.

Now, it's a little bit different.

It's interpretive. You've just got to look at each one, but 90 , the property line, the code definitely does not require that.

If that window -- if that was a straight property line going

straight down, like -- if the property line was going down on a straight line there, just continuing that way, everything

on the -- looking at those --

these two windows definitely wouldn't be a problem.

>> President Fung: but what is

the difference between when

that line was straight -- isn't it the distance? >> yeah.

And I think these are less than 3 feet.

>> President Fung: even if it

was a straight line, property line less than 3 feet. >> you'd be okay.

That's the way the code's written. I know.

i've challenged that, too, but it's the way the code's written.

It's tested, jumping over property lines. We're going to go into the property line consulting business.

We've got a lot of them. Okay. Thank you.

>> clerk: thank you. Is there any public comment on this item? Okay.

We'll move onto rebuttal.

Miss Tracy.

>> so they talk about the windows being permitted, like,

when the first 19 windows

were -- the notice of violation

was issued for the 19 windows.

There are no permits correcting those windows. There are six lot line windows.

There is no permit correcting that. They say that my neighbor received permits.

I pulled the r-3.

She did not pull any permits. Those are new windows that are installed. They are subject to code.

There is a window that is on my

property line that is open, and there's no protection. It's not permitted.

They talk about a 90 degree angle. I had a structural engineer look at it. It's a 10 angle that they are.

Yeah, I guess show me prove that there's permits, that these windows have been legalized. I can't find it.

i've looked everywhere, and I have to believe that there is a

hazard having a window open on

my property.

It's within zero to 3 feet

it's -- to the table. I don't know -- yeah, and the

property line that they showed in that drawing is not

accurate. If you pulled the S.F. Property information map, you can see that there's a big chunk that

is extended past their -- of their building that is extended past the property line.

So I respectfully disagree.

Thank you.

>> **Commissioner Honda:** thank

you.

>> **clerk:** thank you. >> in the letter and the brief

that was submitted by the

appellant, all you will see photographs of all the windows

that she complained about.

Those photographs was from. Those photographs were put when the house was being sold at the time before my client had purchased it.

So a lot of those window have

been around for long time.

They are lot of grandfather

property line window in san

francisco, and these are -- her complaint started when my

client received a permit to use

the side yard for parking, and

she didn't like that, and that's how this whole

complaint, one after another, started.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you.

Anything further, Mr. Duffy?

We're getting our money worth.

>> obtain a permit for previously installed fiberglass windows on the rear of the building, work completed, not visible from the street.

That was issued on 3-20-2018 and signed off on 7-11-2018. These are nothing to do with the windows that are under appeal.

We then -- on 16 November,

2018, filed a complaint, a

complaint has been filed.

No building permit for this work.

Corrective action, filed a

building permit action to

comply or remove windows. That then was the permit that they came in for the two windows.

While I respect the appellant,

she needs to bring this up with D.B.I. Complaints.

We've issued two N.O.V.S now, and I thought we covered all

the windows, but if she's got

an issue with windows other than previously issued N.O.V.S,

she needs to bring it up with

our people so it can get resolved. But this permit tonight is for

these two windows.

And the only thing I can say is

they should be 45-minute rated

windows if windows.

>> **President Fung:** do you recall what we did on the previous windows where it was alleged based on the survey that the neighbor's wall was

over the property line, and

therefore these windows there were there would have required

the adjacent neighbor's permit

to be installed with the permit. We

we continued it to see if they could --

>> I was at the property last friday. This is a little different because permission is not

sought or needed here because

the appellant doesn't have an opening within 6 feet of the property line windows.

Smart, there's a yard there, I think.

I saw a photograph of a fence.

>> **Commissioner Honda:** no, it would be different because those windows were side by side.

Those windows were potentially on her property.

>> the neighbor has an open within 6 feet, they have to

have something to allow it.

That was the property on beaumont.

It's number six in our administrative bulletin.

>> **clerk:** thank you. Commissioners, this matter's submitted.

>> President Fung: commissioners?

>> **Commissioner Honda:** well, we've heard most of the

property line windows, and it's unfortunate most of the hearing was spent on something that was not before this body. What was before this body were the two windows in the rear and unfortunately not a lot of

conversation was directed

towards that. As per what the building

department indicated, I believe

they should be fire rated.

>> **Commissioner Lazarus:** would you like me to move or do you want to move that we agree to

modify the permit so the quoted

windows are fire rated?

>> **Commissioner Honda:** yes.

>> Commissioner Lazarus:

inspector duffy has further ideas?

>> I think to comply with ab 009 of the san francisco

building code to comply with

property line windows.

>> **clerk:** we are going to require drawings? Okay. So we have a motion from commissioner lazarus to grant the appeal and issue the permit

on the condition that it be revised to require that the two windows at issue in the rear of the building -- I understand

it's the new window on the sxd floor, enlargement of the existing window on the first

floor be require rated in

compliance with ab 009, and the permit holder needs to submit

revised plans to be approved by D.B.I. And the board office.

On that motion --

[Roll Call]

>> **clerk:** okay.

So that motion carries.

So the permit holder

understands, we need revised plans. Thank you. Okay. We will now move onto item number 10.

Thank you for your patience.

>> **Commissioner Honda:** I was just going to say that.

>> **clerk:** I'm going to say it

again for the people on item number 11.

Item number ten is appeal 18-121, vera court versus zoning administrator.

Protesting the issuance on

September 6, 2018 of a revocation permit requesting

that building permit flix

numbers 200 # 123492,

20090992422, 20090457 # 4,

2009007053, and 201503191342

being revoked due to the

determination by the planning

department that the -- [Inaudible]

>> -- and only allowed for the

alteration of the building with retainment of the front facade.

>> good evening, commissioners. I represent vera cort. There are a large number of permit numbers, but it all

comes back to the single use

permit issued in 2001, and that

was a site permit to renovate this building and have use

approved for the renovation.

So at that time, and prior to

that, this building was a wreck. It was in shambles, it had been

approved for demolition, and demolition, including the entire facade.

So when -- but vera cort purchased it, she had a

different plan. She had a plan to retain it, and she wanted to keep as much

of it intact as possible, and that was part of her plan. And part of the plan, too, was

not to keep the entire facade as it was.

The original plans included

opening up two of the bays for reinstalling the original

windows, and there was no condition in the approval or

the plans that said you must retain other elements of this facade. There was conditions on the permit at that time, and it did not include this.

The permit conditions were concerned with blight from the current sign and said that you can only use so much of the sign at that time.

So -- and a lot of work's been done.

There's been a lot of permits. There's a plan with four addendums here. The first three have all been approved, and the fourth was submitted.

After a year of waiting for the planning department to review

and approve the fourth addendum

and working on them with comments, they came and said we

want to reevaluate what's happened six years ago.

And so what happened six years ago after -- and this is one of the plans that happened in 200 # will.

Plans were submit -- in 2008.

All three plans were submitted

there just like they want to do it today n. It.

In 2012, they found the concrete was unsafe. It was damaged, crumbling. The same that had been discovered in the 90's, in

every structural engineer who has looked at this found that this is dangerous concrete, and it can't stay there.

The concrete has to be removed. And there would have been no

process any which way to have saved this concrete.

It would have to be removed, and so it was. And the planning department has

suggested without any structural evidence whatsoever, without anybody with any

knowledge, that somebody -- that the failing concrete was

vera cort's fault. There's no evidence of that at all.

The evidence was this was failing concrete for over 20 years.

And so -- and the other key

issue here is this is not

really a dispute or a challenge to what the front of this building is going to look like. The reason why this permit has

been revoked is not to say we want it

wanted it to look this way and we want it to look at way. They want to stop all the process of figuring out what the building's going to look like and move forward, and they want to go back and undo the use of this project.

So this isn't about the face of the project, this is about

planning wanting to redecide how the building can be used and to undo the prior approvals. And along with that, and maybe

they don't fully appreciate

that, is a tremendous burden in terms of not just the process

of getting a use permit

changed, but the changes in regulations and laws and things

that will be applied to the new permit.

And vera cort has relied for

years -- and after the

additional work was done in putting in sprinkler systems,

in putting in new floors, new

roof, all being inspected by the department of building inspection with the front of

the building off, approving these things as they went along.

And millions of dollars have

been put into the building.

And now planning wanted to him

this out from under here, and -- her, and it's not fair, and not under the law. to go through some of the things that are under the

brief, we have a vested permit

here, where a permit has been

approved, there's been

substantial

substantial reliance on it for years and years.

It was taken away without any fair hearing. This wasn't hidden in the basement, it wasn't in the back

of the building. It's something that everybody could see. There was articles written about it.

If anybody wanted to bring that up and address it, they could have wanted.

Since that time, vera has

relied and put in more money and obtained additional permits

and approvals going forward. And this is put in the brief, and planning had no response to it.

They just had no response that

this is an untimely action. Third point is that planning

didn't follow their own procedure.

The san francisco thoughtfully knows that people are entitled

to a fair process and set out a

process for planning to fairly valley evaluate processes where there's a planning preparation.

I saw that there's this kitchen sink proposition here that says that I can do appropriate actions.

I don't think anybody thinks that other appropriate actions

means that they can do whatever they want without regard to the

process there. The fourth point is that planning states that there

should be new permits, and we agree. There should be a new permit for the work that was done and for the work going forward, but that's a separate issue from deciding to revoke all past

permits, permits for

sprinklers, permits for anything else that they want.

So it's not an issue of whether it should be corrective

permits, it's not an issue of whether there should be

corrective work being done --

>> **clerk:** you have 30 seconds -- oh, I'm sorry.

>> **Commissioner Honda:** finish that thought. Just go ahead and finish that thought.

>> any ways, you know, in conclusion, I just think -- conclusion, I just think that

the scale of penalty involved here for what was done is completely out of whack, and I

think the brief sets forth in detail all the reasons why the decision should be reversed. Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you.

>> **President Fung:** counselor, a question.

When I went through the brief,

it wasn't totally clear to me.

Your addendum four, did that

include the out-of-scope items?

>> yes, I -- and I can put

it up here, a little example,

if I can get the overhead.

>> **clerk:** overhead.

>> **President Fung:** okay.

So that's the addendum four?

>> this is the addendum four proposal.

>> **clerk:** okay. Thank you.

>> thank you. Good eepg

good evening, members of the board, President Fung.

Scott sanchez, planning department.

The building was developed in

1912 with approximately an

18,450 square foot movie theater.

In 2010, it was identified as a historic location, and

historic resource. The subject property does have a very lengthy history going

back predominantly until the 1989 earthquake and the effects

of that earthquake on the subject property.

The claimant has claimed that

demoreported were obtained on

the building -- demoreports

were obtained on the building.

They have never obtained the

permitted to demolish the subject building. The appellant purchased the

property in 1998, according to

city records.

They came in with this permit

application in 2001 to do a change on this property, to go

to the planning department. That was denied.

It was appealed to this board

of appeals which overturned the scope of denial.

At no time was the building ever demolish.

This was not to demolish the

building or facade, it was to

do an adaptive reuse for the building that was going to be a

gym operated by touchdown climbing, who was the applicant for the permit. All the environmental review,

all the materials provided by the planning commission and

board of appeals were specific

to that scope. The application can telephone

and all -- itself and all of

the approvals were based on the

fact that the facade was to be retained. There was a significant length

of time after the planning

commission hearing before work

did proceed on the property.

I understand that back in 2004-2005, the engineer that

was working on the project passed away. Permits were set to expire at that time. That was one of the arguments

for extending the permit.

They did notably commence work

in 2009, and that's when they punched large openings on the outside of the building.

Based on photographs, it doesn't appear that the property owner took steps to maintain or preserve the facade. Yes, the status of the building

and the building and its kind of propensity for the seismic issues which came about after

the 1989 earthquake, that was well known. So I think that the property

owner could have taken

appropriate steps to preserve the facade, to otherwise preserve or protect the facade of the building. Over the years that followed,

these openings were added in 2009. According to the appellant

between 2009 and 2012, they

were made aware of more serious

issues that led to an emergency situation. At that time, they should have

contacted the building

department so determine if there was anything about the if a sudden. We don't have anything direct

to say that the owner of the

building is directly

responsible for the demolition of the of the facade. Subsequent to that, as I noted

in our brief, the historic preservation commission took

action to designate this a historic resource.

The designation was in 2010,

the removal of the facade was in 2011-2012.

This should have been resulted in additional environmental

review. I did speak with staff, when that was submitted, it did not

know the demolition of the front facade. Yes, it showed how they wanted

the facade in the end, but it does not know the change in the project scope.

This was submitted in 2016 or '17, aefrl years after they had

exceeded the scope of the permit.

We did respond to the obviousness, and the permit holder misrepresenting the scope of work in their addenda. We have followed the appropriate processes in planning code 307. It does outline the ability of the zoning administrator to taken enforcement action.

This is -- take enforcement action.

The suspension remains in effect. We did after subsequent review of the materials and discussion with senior management in the planning department did discuss that the appropriate way of bringing the property into

compliance was to revoke the permits and require compliance with the conditional use requirements which requires a

conditional use of the demolition of a movie theater. We don't know exactly what their plans are for the property at this point. They May require conditional

use authorization or other authorizations for prospective tenants for the subject property. Also, they've expressed concerns about the special inspections that have been performed and kind of losing credit for those? We've discussed that with the department of building inspection and we'll work with

them to make sure that they don't have to duplicate unnecessary inspections, that they can get credit for all of

the inspections as appropriate,

but we do believe that the appropriate process is for them to start over with a new process, to have a public process, community process that

needs to occur. So that's all, and I'm

available for questions.

>> **Commissioner Honda:** so I

have a question.

In the recommendation from

historic preservation, in the

permit holder's brief, it says

in 1935, the facade was filled

in with concrete and so how is

it still historic if most of the historic features have been removed?

>> historic doesn't require that it be in the original condition. When the evaluation was made, it was based upon the condition of the building, when it was

surveyed, in 2008 or 2009. So what they were looking at when they were designating the building was the facade as it existed in 2009.

So because there were changes

made in the 1930's -- 1930's can be historic.

It was still determined to be a

historic resource after the the original construction of the building are.

>> **Commissioner Honda:** when would that trigger it not being historic with the features being removed? >> it would be a question of what kind of changes were made. Since it wasn't done to this

building, I can't say what it

would take to have the historic

loss for this building, but the

building as it existed in 2008-2009, was found to be

historic, what removed of the building. You could have changes to a

building in 2008-2009. Just because changes have been made doesn't mean a building loses its historic rating.

>> **President Fung:** no, agreed, but we have not seen anything

related to that survey. You know? In other words, the question is

what did they find in that

survey, and does it compare to,

then, the 76 survey?

>> also, our argument isn't just the loss of the historic

resource that was achieved. It's that they exceeded the scope of the permit.

>> **Commissioner Honda:** we definitely understand that, but a lot of this is in regard to

the facade and you know, to

me -- and I'm not a historic preservationist.

If you cover everything up with cement, that if a facade is not functional. That's a question. I would have liked to see how that compared to the

previous -- how they got to that point.

>> **President Fung:** it's simple enough just to show us what

they had there for that

building in the mission survey

versus the 76 survey. >> I should be able to pull

that up in rebuttal.

>> **Commissioner Honda:** okay.

>> **Vice President Swig:** so I need some education, please.

On the subject of a historic resource, you understand.

It was 1935, or 1912 or

whenever it was built.

What is the -- if I was to buy

a building in 1912, adjusted in

1935, designate it a historic

resource, what standard am I

supposed to pay attention to if

I want to change the building?

Do I have to go back to the

1912 original, or do I go back to 1935?

You said in your presentation, 1912 historical, but what is -- >> it's my understanding you

can seek to restore to its very

original condition, and that's

something that preservation can investigate, but at the very

least, you preserve the facade of the building that it existed

in the 1930's, that you could

be exist -- would be existing

at least that portion of the property. >> what if we made the same thing on another item, and we said okay, we approve a demolition permit contingent on the demolition of a plan? What is the shelf life on that -- on that motion that we might approve?

>> I think there would be two issues if there had been a permit issued for the demolition, which it was my understanding there was no permit issued for the demolition.

>> **Vice President Swig:** no, take it at your face value,

which I believe you said a

permit was made, demolition was approved with a new plan

submitted and approved to rebuild the structure. With something like that, what

is the shelf life on that? When does it become a moot point?

>> permits have expiration dates.

So one has a permit expired. Two, was there an entitlement have the planning department?

If you have a variance,

conditional use authorization,

you're required to obtain a permit in three years. Whether or not there's a valid

ceqa determination, and that

could change based upon new information. Certainly, there's no ceqa

determination from the early 1990's when the planning commission and the board of

appeals heard those permits to

today that would remain valid given all the change taz have happened in that time.

>> Vice President Swig: and

given the fact that three years have certainly passed since

that motion was made and

approved.

we can throw that over board. >> I believe so.

>> Vice President Swig: okay. Final question. Do you believe this is something with eyes wide open,

if she got caught, you take the

action and beg for forgiveness earlier? We have seen on a few occasions

where somebody has taken action

to demoesomething and go oh, I'm

sorry, and then beg for

forgiveness and then has taken

action as we deem appropriate. Is this where they destroy the if a sudden and all the options

that you represented and now

they're begging for forgiveness

on that subject? >> well, a couple things I would look at that. Is it someone with a known pattern of this history of activity? We have seen certain people or entities that have committed these types of issues over and over again. I can't say that that's been the case for the current

property owner as I am aware. That said, the current property

owner does own multiple properties. They are someone who should be knowledgeable about the city's processes, and I think that they have responsibility for knowing those processes.

And what raises a concern to me

is the lack of action on the building.

Putting holes in it, not weather eyesizing weatherizing it. That said, the interactions that we've had with the property owner.

They acknowledged that they exceeded the scope they're not lying about that.

In their brief, they're clear

that there's a violation of the scope.

They're willing to come back and try and restore the facade, and we appreciate those efforts. Our opinion is they've lost the ability to go back to that permit, given the exceedance of

the scope and they need to go

back through the process again,

so their actions to resolve it don't meet the point that we

think they need to be with compliance.

>> Vice President Swig: so this

this negligence, carelessness

or just gross ineptitude by somebody who should know better, and therefore, your

point of view is regardless of how you characterize it, we've

got to start this all over again, and we need to go back

and do it right, folks. We've got a project, there's

been mistakes, asking to wipe the slate clean and start again. Is that what you're asking?

>> I think that's correct.

>> **Vice President Swig:** okay. Thank you.

>> **Commissioner Honda:** one last

question. On brotherhood way. We had a project that had gone

on for years and years and

years, and in that case, we

found that lack of action on a

permit for three years is declared a pause. >> I can't accurately make that

as a comparison, but what I can

say is they've exceeded the scope of the authorization here.

what was listed is not what they've done.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. Mr. Duffy, do you have anything to add? Okay.

Is there any public comment on this item? Okay. If there's public comment, how many people -- if you could

lineup against the wall, and

make sure you give a speaker

card to gary. Okay, and given the volume of the public comment, public

comment will be limited to two

minutes per speaker.

>> **Commissioner Honda:** first

speaker, please, come forward.

>> Larissa Petrucelli with United to Save the Mission.

In the appellant's appeal

letter she feels she's being

punished for being a wealthy landowner, but it seems that she is in denial that she is not above the sur-
view of the codes and regulations and

standard practices that define

our planning and building codes. There was ample time before they even started this project for -- I
mean, it's been years and years and years. There was ample time for

architects and engineers to

survey the site and to prepare and for them to say that some

of these things just came up,

and they had no idea, and they needed to immediately demolish it for safety is really egregious. And we
have processes in our

planning code that allow for discovery. You know, there are processes that are well established. I'm
actually in the industry,

and if you discover something that was unexpected, you show

an inspector, you present it to planning, and you go through

the process, and both the department of building inspection and S.F. Planning

work with you on these processes. She has stated that she doesn't

think this building is

historical, but it would have

been defined under CEQA. It would have gone through historical planning, had a hearing if need be.

There is a process, and it's the belief of this community that they knew what the process was, and they chose not to follow the process because they knew that they might not be able to tear down this resource, and we'd like to see

it restored if they come back with another project.

>> **clerk:** thank you. Your time's up.

Next speaker, please. >> good evening, everyone.

My name's vickie castro.

I'm artist, active and home grown in the mission. Born and raised in the mission. And live and work there still,

still trying to hang on and hopefully I'll be blessed enough to take my last breath in the mission.

Many of us who grew up in the

mission seeing a latino is a main character in the mission. Seeing a latino is a main

character in the story of our life. It was beautiful, a beautiful facade. it was kind of like next to the new mission, were beautiful earnings that was on the face of the mission.

That marquis holds personal significance.

It does tell a lot of the story telling of the people who live there.

It is a place mark for the

history of the mission; and it should have been conserved.

It should not have been touched.

For me, it was an act of

violence against the community.

When you take away result cal

legacy from us -- cultural

legacy from us, that's cultural erasure.

I'm still upset that I walk by this building and I see that it's not kept, and it should have been kept.

At the end of the day, the removal of the sign is

critically important to us.

It is part of the historical legacy of the community.

Today, I think the decision to reaffirm the revocation is siding with community.

We shouldn't -- as we see in

this time of gentrification and displacement, a lot of

decisions are going in favor of those who have the building and the money.

We're just looking for community equality and respect, and I think that you should acknowledge that.

>> **clerk:** okay. Thank you.

Next speaker, please. >> my name is alicia sandoval, and I work with housing right committee and united save the mission. I was born and raised in san francisco in the mission district. As a native, I have witnessed a lot of the changes, gentrification gentrification that happened in my community. You grew up in a beautiful community, and then one day,

everything that you knew as a

child is gone, vanished, theaters, restaurants, community centers, mentors, gone. Our culture is gone, our

history is gone, our childhood

memories with gone. I grew up near 21st and mission, and my parents still reside there.

My community was a safe haven. I could walk to a nearby theater.

Growing up, I attended all the theaters. I felt like I blimpg nked, and they were all gone.

I have memories growing up to cine latino. It wasn't only a theater to me, it was a community space for families. So many memories.

I remember going to see latino

with my dad to watch spanish movies.

I remember watching one specific.

That.

They'll try to make it

affordable, try to point little

things at us, but the fact it

they -- is they weren't allowed to do that under the law, and we in san francisco do not want this project to go forward. Thank you.

>> **clerk:** thank you.

Next speaker, please.

>> thank you so much for listening to me today.

My name is arturo mendez, and I have been working with

commission cultural -- with

mission cultural center for a

couple of years. Hearing so much of the emotions

in this room, I really worry

that the historical culture and character of our community is being lost. But not only that, I think that

we as a community, we are not closed. We are willing to be open and talk to the people coming to

the commission.

We just need these people to

come with an open heart and

awareness of all the changes

and to talk to our community

and listen to bha they what they have to say. This is proof that the people that own the building are not willing to follow the guidelines, and it's a shame

that we have to be here, think bg

-- because there's many, many people that want to hear that. I think we need to come into

communication and really develop something together or give space to someone who's willing to interact with the community, who's willing to

care, and who's willing to

interact with the mission district. Thank you.

>> **clerk:** thank you. Next speaker, please. >> good evening again, board members. We're here again, protecting our neighborhood, obviously. I'm here to support the planning department's

revocation of these permits. Unfortunately, the reputation

of the cort family does precede them. This is a continuation of

action this community has been

seeing over 20 years. Let's call it what it really

is, systemic cultural erasure

to financially benefit themtss.

This subject is the benefit of multiple manipulations to

circumvent the law and benefit

their own financial gains.

I've been in the architectural

business for over 25 years, and

facade retention is a standard practice, especially today. There's ample technical practices to achieve this, no

matter what condition or the facade is in.

I new of numerous masonry complex brick restorations all of which have been executed very well. If there were problems maintaining the structure, they should have asked for guidance from the city. That is the law. The 2016 permit applications

did not know they had already

knocked down the facade. In 2001, the planning department actually denied the

request for a gym, a very upscale-type business that the mission really doesn't need. However, the board of appeals

in 2002, it was overturned, but

that vote did not authorize the

destruction of the theater facade.

It's completely unauthorized and illegal.

I just found out that the kord cort family owns another theater nearby. The community will be stand for

this -- will not stand for this, and I think it's important to send a message

through the planning department that this message should further discourage this type of action in the city.

Thank you.

>> **clerk:** thank you. >> hello again.

My name is lucia, and I'm a community member.

And I was not born or raised here, but my dad was born and raised here. And even though this theater

has been gone for years now, this theater is still loved and

remembered as if it was still

here today.

It is now in our oral history. Tales of this theater is now

being handed down from grannt grandparent by memory. If there were problems of trying to maintain the existing

structure of the theater, the owners needed to ask guidance from the city. That's the law.

I ask this board to uphold the decision of the planning department and to continue revoking the permits for this development.

Thank you.

>> **clerk:** thank you. >> hi. My name's brittany henry.

I'm a community member and I also work with impact hub,

which is an affiliate of U.S.M.

I'm a third generation bay areian.

I've grownup in the bay my entire life. I've only lived in the mission

for a year, but I've come to love the culture there.

Coming to the mission and seeing how much preservation is going on there really warms my heart just because I think it's really important that we preserve culture.

It's important that a community is able to look around and see themselves in it. These things just can't be passed long in tales. People need to see actually

themselves within the buildings, been the

community -- within the community, within the culture that's in the space.

So I won't take up much of your

time. I just wanted to lend a story. Thank you.

>> **clerk:** thank you. Next speaker. >> hello.

I'll be -- I'll be quick, as well.

My name is monica, and I'm born and raised in mission district --

>> **clerk:** I'm sorry. It's difficult to hear you. Do you mind? >> okay. Hi. I'm monica born and raised in the mission district, and I support the planning department's decision to revoke the permits. Thank you.

>> **Commissioner Honda:** thank

you.

>> **clerk:** thank you. >> hello.

My name is zachary wisenberger,

and I support the revoking of the permits.

If you approve these permits,

you would set a dangerous

precedent and make it even more dangerous. And I also support the planning department's decision to revoke the permits.

Thank you.

>> **clerk:** thank you. >> good afternoon.

My name is eric arguella.

And I am with calle 24.

I just wanted to start to say

that we do support the planning

determination, and we hope that you uphold their decision.

I think we need to start all over again.

You know, it's really hard for us to believe that the family

did not know that this is a historic theater. The mission street has been

known for its theaters for many

decades, and we rivalled market street at one point, and we still do, so it's hard to know they didn't have any idea. The mission street across the street and the grand theater.

There's many that we know are historic and been there for many years. Also, this is not the first

time that the cort family has been involved in something

controversial in the neighborhood.

At one point, they removed a

large mural in the mission.

There is not the first time for them. They very well know the neighborhood and what type of profits they can make in the

area. They've been buying and selling buildings in the area so

they're very well versed in construction and what they do.

We just want to make sure that this isn't going to set a precedent, to come in and say they didn't know anything, and

to try to get the price that they want.

Thank you.

>> **clerk:** thank you. >> hi.

I'm a resident of the mission district.

I feel strongly that the removal of the facade does exceed the scope of what was given to the owners, and I strongly support the planning department's decision here, and

I implore you to do the same.

I just want to go on record and say I don't support the development.

Thank you.

>> **clerk:** thank you. >> rick hall, cultural action network.

I'm just here to say uphold the planning department decision.

Cultural action network works

with antigentrification efforts

in the mission, and there's

nothing more gentrifying that

wiping out the history of an

area and the theaters are very important landmarks, and

frankly, this one should be restored.

Thank you.

>> **clerk:** thank you.

>> good evening, again.

Peter papadopolous with the mission cultural agency.

We are in the middle of a

crisis, and I don't think that that is per year line of

question -- your line of questioning, your decision making crux. Your decision making crux rests on the fact that this significantly exceeds the scope.

In fact I just came across this body of course is the body that initially allowed the project to go forward.

Those permits were only for the adapting the use of the

existing structure for minimal change of the exterior of the building. That was almost 20 years ago.

Now we're in it a whole different standing.

It had holes punched in it in 2009. It was left open to the weather. 2010, it was declared a historic resource, and then suddenly, 2012, we see that

it's knocked down, right?

So we have pictures, which you can certainly provide that are available on-line.

You can find them from flickr

and such from 2012. It was in reasonably good shape.

As we hear, there's a very well

known procedure for how they would then go forward and they want today ask -- wanted to ask

for that demolition.

That permit wasn't granted per se because it said they needed

to go and get their permit for

what that permission was.

That's ostensibly where we're

at, which is in order to get a

permit, you need it to get approval. They didn't get that permit by submitting a whole new conditional use application and plan.

So yeah lastly, the one thing that I wanted to say, I do think it's important that -- the zoning administrator pointed out when they did submit their most recent permit applications, it did not even

include that they had already demolished, and I do think that that is significant. That even when all is said and done, they could have come

clean and come forward and said

here's our proposal, and they did not do that.

So we would ask that you uphold the planning department's decision to revoke these permits. Thank you.

>> **clerk:** thank you.

Next speaker, please.

My name is louie cornejo.

I'm a small business owner who happens to do business in the mission. I happen to own a commercial real estate company, and I

happen to work with buildings like this and specialize in real estate retail. I've been in san francisco since 1993.

I'm grateful for landlords like

vera who keep rents low for small businesses like mine.

Actually, vera is the only

landlord that keeps rent so low

that she houses artists that

are all living in the city at

1890 bryant, the only building in the city that's for artists. They leased the building for city college, and city college pulled the permits to built a film school.

If you speak with them, they're paying very low rents.

The building that I'm in is an

office building on 22nd, probably half of the tenants are nonprofits.

So I hear a lot of feelings and

you know, I think it's only fair that we try and stick to

the facts, and it feels like to me, being in real estate and

seeing this all the time that this is more about the use change than historic, and I think because of that, they

should let the permit continue.

The use was approved for a gym. Sadly, theaters are closing everywhere.

I mean, it's not a mission

thing, it's all over the U.S.,

and gyms seem to be the only business that are thriving.

Thank you.

>> **clerk:** thank you.

>> in the last 15 years, 8,000

latino families from my neighborhood gone due to the

ellis act and people with money

that can come in.

12,000 families from the

bayview, and black families are

at 3% in this city.

15,000 day boys and girl --

2k3w ay boys and girls from the area. That's -- gay boys and girls

from the area. That's 37,000 san franciscans that we don't have anymore.

If we don't stop this, we're

rewarding this kind of behavior.

The cort family has always been like this in san francisco. Please up hold what the

planning wants.

>> **clerk:** thank you. [Inaudible]

>> I come to you to -- by

not -- by not -- I come to you

to not approve the proposal

for -- for having the gym in its place.

And I say that because in the

latino for me is a historical place, and I say that because

my dad used to work there.

And seeing that the building is

the facade, the art, the building gone makes me cry.

Also, it -- I just want to say

that the -- I'd rather see the building reinstated, and when I

say that, I'd rather see the theater get reinstated and not

a gym.

>> **clerk:** thank you.

You can fill it out afterwards. Go ahead.

>> my name is bernardo

bernardo fernandez.

I went to that theater, and a lot of people like me can say

it was like a baby-sitter, because we went there when our parents had to work. This family owns a lot of property in our neighborhood,

and they have been a bad tenant. There was a mural that was

painted by two campesanos on one of their building that they gave permission to, and they

went and painted over the entire mural, a historic mural.

They sued, and they lost. They own a bayview building on

22nd and mission.

In 1996, when the dot-com boom

came through, they evicted everybody. Only spanish language radio station, they evicted them.

They evicted everybody so that

a dot-com business could move in there, which eventually,

they, you know, as most

dot-com bubbled and moved out. This theater, they never should

have closed it. They should have kept it open. Look in your record and see how many years this building has been closed.

It's been a sore eye- -- have you seen it? Have you driven by it?

if you have, you've seen a sore that's been in our community.

It could have been a site to build affordable housing. A lot of benefits have been given to this family, and they refuse to talk about any other options that the community could have used and especially

in this time could have used.

Thank you.

>> **clerk:** thank you.

>> good evening. My name is norma garcia.

I'm a native of the mission district. I work in the district, and

I've a resident of bernal heights. The destruction of this is very personal to me. When I was growing up as a kid

in the mission, mission street was my playground.

It's where my families' friends gathers, it was where we shopped and lived.

It was home to lovely theaters,

the mission, the crown theater, cino

cine latino, and the only one

that remains is the theater mission.

I have many happy memories of

being in the theater watching matinees with my brother. It's where I began to

appreciate detail, art deco design. It was there, it was beautiful, and it's gone.

I ask you that question, too.

Have you been by the crown

theater, the former latino? It's an absolute eye sore. It's a shame, and you know what?

The mission district has lost a

landmark, but the city of san francisco has, as well.

what would we say if the same

thing happened to city hall, if it were stripped and covered with board?

We would never allow it, so

please, deny this appeal.

>> **clerk:** thank you. >> yes.

My name is josette moie, and I'm the owner of the building next door to this building.

I sent a letter up to the board

stating my feelings about this property that has been a garbage bit, an eye sore, for

20 years. I bought my building, and

remodelled it and had several

businesses in it for the last

20 years, and the building next

door was never taken care of. It was horrible. The workers through chunks of

cement on my roof, they cracked

one of my sky lights. There was graffiti all the time because of the scaffolding

being left for months, so they

would climb on the scaffolding of my building, and it cost me a lot of time to clean it all the time, ongoing, and I would like to know what is happening with this building, because obviously for 20 years, nothing was being done about it. And I would really like to know

what the owner is planning to

do to remedy this eye sore

which was plagued the -- has

plagued the block for 20 years.

I applaud the planning department's decision.

>> **clerk:** thank you.

Next speaker, please. >> good evening.

My name is richard ainsland. I have a business next door door, and I've been there about

14 years.

having a business next door has really been a financial burden

for my business. It's a complete disregard for

businesses in the area.

The facade has been destroyed. They put up a scaffolding around it and allowed people to get on top of the building, my building onto the marquis, graffiti it.

I guess numerous citations from the state for graffiti,

graffiti, which

is a real pain to get it. You get a citation, you've got to get it cleaned up, and then,

you've got to document it.

And then, I was told that Miss

Cort didn't really care about my problem.

They put up a wall.

I paid 7,000, had the front of my building painted, a sign above the marquis, and that was totally destroyed.

I have to go up on a 20-foot

ladder with my little paint can and try and paint it over.

So then, they cut the wall in half, and people just through garbage and garbage and garbage

there, and then, we had a rat infestation there.

I could no longer have sidewalk seating on my restaurant because the rats were there, running around.

I had to have \$350 every month

just to have an exterminator.

She just renews permits every

year because she has more important projects that she's working on in san francisco.

There's got to be some kind of commitment for completion.

>> **clerk:** thank you. Any other public comment? Okay.

We will move onto rebuttal. mr. Meyer, you have three minutes. >> thank you, commissioners. I don't know if I'm going to be able to respond to every comments made over this long period of time, but what I can say I agree it's an eye sore,

and I agree my client's been waiting two years while planning's been thinking this over, and we're still waiting today. And if you do anything other

than reinstate the permits and

have it go through the proper

process to restore the facade,

and to move forward with the project, the question of whether to revoke the permits

is different than the question

of whether something should be done here. And -- and whatever the remedy is -- and that can be a penalty or it can be whatever the city attorney believes its remedies

are, revoking permits is not

that remedy here, and they have not gone through it properly.

And in the -- the situation is -- and planning department has been a little confusing

about this, too, and I'll

explain the legal situation of a -- explain.

The legal situation of a historical preservation is

different than a landmark.

A landmark, there's notice, form 523 a, 523 b.

It identifies every aspect of that building that's historical. The owner is notified, and it gets put into the ordinances of this city.

That did not happen with 2551 mission.

it's never been a landmark.

It was never a landmark in 2001.

There's not a planning code section that says when

something gets affected on a potentially historic building, revocall permits.

That is -- revoke all permits.

It's not in there, and planning's not been able to

identify that. People's defensiveness at it.

Whatever it may be, the question is, did they have the authority to do this? Is it in the planning code that

they're enforcing this?

If -- have they timely done it? No.

Will revoking the permits get

this project done or get it to

what they want it to look like? No. So what needs to happen is this unlawful action by the planning

department gets reversed, and we direct something to happen

in the planning department to pick out what the facade always 's going to look like and pick an appropriate remedy for the situation here.

>> **clerk:** you have 15 seconds

if you wanted to add --

>> I guess that's it unless you have any questions.

>> **President Fung:** counselor, I

asked you a question earl

earlier about the out-of-scope work that was not permitted.

You indicated it was in addendum four. Zoning administrator's

indicated that it's not in addendum four. >> well, I think the zoning administrator is not the person who is involved in this project

when the submittals go in, and

when that happened, I've been

assured by vera cort and the architect everyone was well aware of the condition of the building when those submittals were done. It's not a secret. It's open and obvious --

>> President Fung: so my

question is seeking a permit for the work that was out of

scope, I asked you if there was an addendum for it, and you said it was.

>> maybe I'm getting it

technically confused, but the

facade is on addendum four.

If it required demolition to acquire that look, that would

be part of addendum four.

So it would not be hidden from

addendum four in any way.

>> President Fung: okay.

>> clerk: okay.

Thank you. **>>** thank you.

Scott sanchez, planning department. There is a disagreement here between the property owner and the city is the methods to achieve that. We've identified that since they have exceeded the scope of

the permit, they have invalidated that authorization. They need to obtain new permits, they need to go through the proper process

which includes the conditional use authorization required for the demolition of the movie theater, and with that, we can move forward. We have given this direction to

the property owner over the last several months. We have not received any response as to how they would pursue that. They've chosen to go through with the appeal tonight, and we are respectfully asking that

the board uphold our revocation request.

We've never stated that this is a landmark building. This was not designated as a city landmark.

That is not our position, so I don't exactly know why the appellant was raising that. There was additional review done that is required for the demolition of that facade.

It would require additional environmental review which cannot be done now because the

his torque resource has been removed by the owner without proper permit.

In se to President Fung's question about the designation

of this, I can put on the overhead of the survey of the property which I believe was done in 2008, if I can have the

overhead, and I'll go over some of the details.

>> the foundation is reinforced concrete.

The primary facade faces west and includes five structural bays. The ground floor is boarded up, and angle marquis is

cantilevered above the ground floor.

Capped by

capped and molded rosets, and the building does appear to be in poor condition due to

general holes in the north

wall, and this survey was from

January 2008, so even before

the work they did to open up the facade of the building.

This is a historic resource, no

it is not a landmark.

prior to the designation, it would have been a possible

historic resource, and any

demolition would have had to follow those facts.

>> Commissioner Honda: I have a

couple of questions.

>> President Fung: I have a couple of questions.

>> Commissioner Honda: why

don't you start this time, Mr. President.

>> President Fung: the suspension and then the

revocation was predicated by

work that was not permitted.

The -- and what the project

sponsor has submitted includes

nothing that relates to that work.

Yet, the process that you are outlining required them to then

go through a C.U. Process because because of of a legislation that was passed much later than the

original on the theater definition.

I would have thought that the

suspension and the revocation is because in the nonpermitted work.

And then, of course, if they submitted it, what they were

intending to do with that, the planning department could

either reject it or approve it

accordingly, right?

Why is the process, the workout

for them, a C.U. Process related to that legislation on

the theater, which we're familiar with? >> the conditional use requirement for the removal of

the movie theater was adopted, I believe, about a year after

the board -- I think it wasn't several years after, but it was shortly after the board had

heard this back in the early 2000's. And we believe that they are

subject to that requirement because they have lost the

rights to the permit which they did obtain because they

exceeded the scope of that.

Also, the conditional use authorization requirement stated that if the C.U. Was required for either the change

of use or the demolition of the theater. We have a change of scope here where before, it was a change of use, and they could argue that they were grandfathered under that for the change of use, but now, the scope of work

has changed really to be the

demolition of the theater,

which really requires the conditional use authorization, so for those reasons, we believe they need to go through the conditional use

authorization to go through the

scope of work, we think have exceeded.

>> President Fung: so based upon all of the nuances these days, especially in commercial districts, what could they put in there?

>> anything that's allowed in

the nc-3 zoning district.

>> President Fung: there's restrictions. >> yeah, but there's still a variety of uses that could go in there.

I can't pull up the use tables.

>> President Fung: but for this

size -- besides which, the fact that it has to go through a

C.U. Is another year and something.

But the type of uses, they couldn't do an entertainment

use, I'm guessing -- but any

way, you understand where my question is going.

What could they do here? >> I mean, I can pull up the

planning code use categories

and cite those uses, but they could seek to authorize the current use. They May be able to get approve

for the gym use, but they would

need to go through the C.U. Process.

>> **Commissioner Honda:** so along

the same lines, going through this brief, which is relatively long and having theaters come before this board before, I

mean, if we -- if we took the permits back of everyone that

exceeded the scope of their

permit, we would pretty much be taking emp

taking everyone's permit every night.

We had a conditional use permit, that didn't authorize

them to take the trees, and they took the trees.

What should we do? This carnage of the building took place in 2011.

This is 2019.

What was -- I was trying to figure out what was happening in eight more years -- I'm

sorry, before you answer these questions. If we start the project all over again for the size and scope of this project, it's not

going to get approved for a minimum of five years, unless

there's some kind of fast track that the planning is going to give inform this special type

of project, this project's

going to sit dead, the

alhambra, alexandria in the richmond district, where things are literally falling off the side of the building.

So what benefit does it do to the community to stop their permit rather than making the

permit holder just replace the facade as it was initially?

>> well, I think the issues here are the length of time

that this has gone on for, which we agree is problematic. We don't want to see the

property tied up for longer.

We can seek to expedite permits that seek to legalize work. That is something we can do through the permit review process. We believe that exceeding the

scope of the work here and the

way that it was done does invalidate the

invalidate their previous conditional use requirement.

>> **Commissioner Honda:** so why did it take seven, eight years to get to this point?

>> I think the department did not receive complaints about this until more recently, and then, when reviewing the architectural addenda, and my conversations with staff says

the architectural addenda did

not show the site as being

entirely demolished --

>> **Commissioner Honda:** but they

got caught in 2011, right? >> no. No.

>> **Commissioner Honda:** that's what I read in the brief, right, that the work was done in 2011. >> that

was when the work was

done, but they were not cited at that time.

>> Commissioner Honda: but it

was known that the work was done. >> not by any city agency. No city agency made a determination at that time that

they exceeded the scope of the permits. It wasn't until recently --

>> Commissioner Honda: when more recently?

>> it was probably late 2017

when the city became aware from neighbor complaints that they

had exceeded the scope of the work.

>> Commissioner Honda: I mean,

not to doubt you, Mr. Sanchez,

gu I am but I'm finding

-- but I'm finding it's

only been an eye sore. I don't understand the benefit

it does to the community to have blight on there for another five to eight more years. That's truly my concern.

And we have seen theaters come

here before, one on divisadero.

The theaters I went to, they're all gone.

One's a gym, one's a condo.

They're all gone.

To me, you know, bad players,

good players, but could have

such an iconic property in the heart of the mission just sit there and rot away, to me, it

does not -- does not help this process. >> but we also don't have any

guarantee that the work will

get down know, as it is. It's almost been 20 years that

the work has been started. We don't have any guarantee

that this'll be resolved.

>> **Commissioner Honda:** but if we condition the permit, they can't go forward unless that's done. >>
they can go through the

proper process. [Applause]

>> **President Fung:** excuse us. Come on.

>> **Commissioner Honda:** rick, do

you have one?

>> **Vice President Swig:** so my family's been in san francisco since 1945 in the real estate

business, and it sickens me

when I see real estate owners behaving with complete disregard for any community, and on behalf of the
real

estate industry, I'm really sor fee for y for the neighborhood -- sorry for the neighborhood. I'm still
mourning for the fox

theater where the city attorney has his office, so I'm very

sensitive to historic resources.

They should never have been

demolished or treated badly.

Here's the -- I think commissioner honda really frames this. It's a terrible thing what's happened to this community. It's a terrible thing what the

land observer has subjected the community to through whatever, disregard, malicious intent, it doesn't matter.

It is what it is. The problem is that -- that

commissioner honda's right, you know? So what.

We do the right -- "right" thing for the community here

and require the landowner to do the right thing, which is to wipe the slate clean. I said this before and get on the right permit track, but this is -- this blight is going

to be there for another five, six, seven years.

so my question to you is -- you

know, and it's too bad, it's really unfortunate, as you just commented on, that the

community did not standup prior

to this for notices of violations, for rats, facades falling onto neighboring buildings, and folks don't understand their rights and they should standup and file

notice of violations with D.B.I. That's really unfortunate in

this case, but scott, what --

you know, what can be done -- what can be done if we -- if we take your advice and -- and --

and I'm not denying that you're giving us good advice, but if

we take your advice, and it's

another five, six years of

rats, blight, falling facades,

graffiti, etc., etc.? Everybody continues to suffer. How do we prevent that?

What steps can the city do to

start penalizing this landowner

for disregarding, abusing and

acting inappropriately in their community? Are there laws to protect the community?

You know, I know what they're doing because I've seen the bad act before.

So we'll just sit around.

We'll wait till the building's blighted. We'll wait until the building becomes beyond repair, and then, the city's going to red

tag it and tear it down. They win. They win.

That's -- that's what I see coming.

It doesn't make me happy, but

that's what I see coming. The right thing is to make them

right and to get them to start the permit process all over again. I'd love to say that, but --

but be careful what you wish

for because without the city

having the teeth to bite into the landlord and making them

act appropriately, the community will continue to suffer, and the landlord's going to win any way because there's going to be an

earthquake, there's going to be some fatal flaw in the building structure that's going to allow

them to be red tagged, and it falls down any way. Sad, sad, sad, but true. Give me your comment on that.

I mean, what's -- it's reality

versus what I believe to be the right thing, which you're supporting.

I believe reality May win here.

It's sad, but give me some

feedback on this, if you would.

>> our solution is there's no good solutions here, but we've

outlined what we believe is the best solution.

>> **Vice President Swig:** why, if there's no plan. If we do what you're asking, and there's no plan -- I don't see a plan.

I don't see a building, I don't see an entitlement to build a

gym or a legalized situation

right now. And we're at jump street right now.

Without a plan, this is really a horrible thing.

>> **Commissioner Honda:** you want to let him answer the question first?

>> **Vice President Swig:** yeah.

>> there are no good solutions.

But whatever it built on this site, it will last for generations.

Whatever is built there, it

needs to go through the proper

process, input from the community.

>> **Vice President Swig:** I agree. >> and this is the board's decision now.

We've given the decision of the planning department which I've spoken multiple times with the director of this.

This is the position of the department, which we believe is the appropriate path forward, and it's up to you whether you agree with it.

>> **Vice President Swig:** thanks.

>> **Commissioner Honda:** thank you.

>> **clerk:** okay.

Commissioners, this matter is submitted, and as a reminder, the standard is error or abuse of discretion.

>> **Vice President Swig:** can I ask the city attorney. How far -- it was suggested that the conditions -- if we uphold the appeal and allow the permit as it stands, what conditions May be placed on this to -- to facilitate, to force completion, to facilitate the completion of the permit as

it has been rendered?

What -- where do the conditions have teeth? What can we do?

>> what's before you is the planning department's request

that D.B.I. Revoke these permits. I think you have to find

whether or not -- it's up to

you find whether or not the planning department erred

or abused its discretion. If you were to overturn the

zoning administrator's decision, then, it would go

back to D.B.I. And planning

to -- for the project sponsor

to come up with a solution. [Please stand by]

. >> -- very easy terms and conditions of support for that. There was abuse of the permit and the permit holder went well beyond the scope. That's easy.

But if -- if we do -- if we do that, the community has to

under that we -- there are no

teeth. There are no teeth in this whatsoever.

All we're doing is continuing

the blight, is continuing the rats, is continuing the danger, and that's a very sad thing.

If we don't, then, we give in my opinion undue license to the

property owner to continue down a path towards a situation where the building's going to disappear, so that's a loss.

But I -- so understand the community, I would like to make

a motion that we uphold the direction of the zoning administrator --

>> **Commissioner Honda:** I haven't spoken yet.

Would you like to --

>> **Vice President Swig:** yes. Fine.

But I would support the zoning administrator, even though it's

a loss.

>> **Commissioner Honda:** I agree with both my fellow commissioners. This is a really tough spot, and I think you as a community

which will probably be at the mission high school hall

tomorrow at 4:00 to 8:00 should

be careful what you ask for.

You know, this is a generational family that has done stuff for long times, and they probably have the ability to outwait you.

So by starting this process all

over again, you're going to see

blight there for quite sometime.

Even if it's approved in five or six years, then, it's another three to four to get built.

So I will -- there's nothing

decisive that would cause error

or abuse myself, but again, be

careful what you wish for.

>> **Commissioner Lazarus:** I would just add I think there's

been sufficient conversation to persuade the community, if

there's health and safety violations they should be

addressed aside from this.

So I -- I will be supporting the zoning administrator.

>> **Commissioner Honda:** and one last thing, sorry.

I generally do not support vacancy controls, but in this

particular case, I would wholeheartedly do so.

>> **President Fung:** is there a motion?

>> **Vice President Swig:** sure.

Motion to uphold the zoning administrator's recommendation

and position based on the fact

that the permit holder exceeded

the scope of the -- of the permit.

>> **clerk:** okay. So I think what you meant to say was you want to make a

motion to deny the appeal and

uphold the revocation request. >> Vice President Swig: absolutely. And also, I don't know how we can put this in, but I like commissioner honda's piece

about a recommendation to the

planning department to put on notice the health department

and other related departments

to -- to pay attention to this

building -- for illegal acts or whatever.

>> **clerk:** okay.

We can add that, I guess.

>> **Commissioner Honda:** there's no teeth --

>> **Vice President Swig:** no, but we've done worse.

>> **clerk:** they're on notice.

So this is a motion from vice

President Swig to deny the appel

appeal and uphold the revocation request because the permit holder exceeded the scope of the permit and to request the zoning administrator put other city

departments on notice of other violations.

On that motion --

[Roll Call]

>> **clerk:** okay. So that motion carries and that

appeal is denied.

>> **President Fung:** let's take a two-minute break.

>> **clerk:** welcome back to the

February 6, 2019 meeting of the board of appeals.

We are now on items 11-a and 11-b. Thank you very much for your patience.

This is -- these are appeal

numbers 18-162 and 18-163, carlos bocanegra versus the

department of building inspection.

Subject property is 2435 to

2445 SERVEth street, protesting the issuance on December 5,

2018 to 2445 16th street L.L.C.

Of a site permit.

The permit is to demolish an

auto repair shop, and erect

seven stories, one basement,

type one, mixed use building. And before we begin --

>> Vice President Swig: I would

like to disclose that I have

engaged in the past with braun

and martel, but that would not

inhibit my ability to make a fair jt

udgment on this case.

>> clerk: Mr. Boeing aneglect canegra, you have 14 minutes. >> I'm going to start with

several errors that were made by the planning department and

D.B.I. As a result of issuing

both these demolition and building permits. I'm going to be talking about

shadows, so I wanted to talk

about ceqa findings around environmental impacts. According to section 2101,

there's the legislative intent

of the ceqa guidelines is to

maintain a high quality

environment, now and in the future. And taking all actions necessary to protect, rehabilitate and enhanced environment quality of the state, and to take all action necessary to provide the people of this state, which would be the people that are going to

live in and around this neighborhood with enjoyment of

the aesthetic natural scenic and historical environmental

qualities that exist. And I'm going to contest that

at least those historical qualities, and the

environmental and nature

scene -- natural, scenic, and environmental impacts exist. As well as to create and maintain conditions under which

man and nature can exist in

productive harmony to fulfill

the requirements of future generations. I believe the permit holder is going to say we're past the

point of looking at this from

an environmental review-ceqa

standpoint, but according to

section 21166, no subsequent or supplemental environmental impact report shall be required

by the lead agency or any responsible agency unless one

or more of the following events occur. And the one that I think is most relevant here is definitely the subsection c which states that new

information that was not known and could not have been known

at the time of the environmental impact report was certified as completely becomes available. Right next to this project, I'm not sure I can project it, but right next to the project is going to be a nine-story building coming up.

The property address is 321 florida. It's at least double the width

of the current proposed project

that I'm appealing right now

and would be casting a shadow on franklin park square.

And now, they are putting their project forward, it is a foreseeable project that is moving forward, that this could

have a detrimental effect upon

this park and more importantly, the children that attend this park and count on it to be a

free and open space and with

proper sun light.

And just to add onto this, part of the section also states that the discussion should be guided

by the standards of practicality and reasonableness

when reviewing these new impacts.

And I'm going to start real quick with the importance of

open space and why it's so important. I notice that that was brought up by the appellant, and I think we have to make sure that

we are very cognizant that this park is especially joyed by

many kids -- enjoyed by many kids, a lot of low-income, colored children who do not have a lot of park space in the mission.

We're one of the few spaces in spisk san francisco to have park

space that is publicly available.

Public spaces whether playground, picnic fields or

even just engaging fields can give neighbors a realm in which

to get to know each other and

giving children a place to play. It can help address environmental justice across communities by providing accessible and low cost opportunities to san franciscans regardless of income level. More importantly, the provision of open space in areas with high concentration of density,

poverty, youth, or seniors can

redress equity issues, and we definitely know that the

mission district is one of the highest income inequality gaps with children and families facing displachl every day. If we look at these parks, there's going to be health

impacts on them, as well.

Finally, open space provides tangible economic effects to

the park, as well.

The more shade you put on the park, the less desirable it's going to be.

Just to keep track of time, you know, it's definitely

integrated and multifupgsal major theme from the outreach

process -- multifunctional

major them from the outreach

process was making the most of

what we have, creating a sense

of place, open spaces should aim to build on our city's

values and reflect the values

that we place on biodiversity and natural diversity.

To me, what's very important with those next two is equity and accessibility.

Open space and recreational problems should be equally

distributed and include all neighborhoods. And health and safety. Open space should increase the city's capacity to be a safe and healthy place to live.

It should promote interaction and healthy lifestyle by

providing opportunities for

social, cultural and community activities and a connection to nature. So in the mission area plan that was created, it was noted already here when they talked about streets and open space that the mission has a deficiency of open spaces serving the neighborhood.

Many areas are not within walking distance to an existing

park, and many areas lack

adequate places to recreate and relax. Almost 50% at the time this

plan was created were families. This was the most distinctive family neighborhood that was in existence, yet, we had a

deficiency of open space public parks because the people that existed there were low-income communities of color that the

city did not seem to care much about.

A total of 4.3 acres of open space should be provided in this area to accommodate expected growth.

So 4.3 acres were what were recommended for building. In the ten years that we've had

this project, the only project to come out has been the

project over at -- oh, I'm so

sorry, but it was at folsom and shotwell streets.

In looking at it, in total, one

acre is 174 square feet that should -- is 174,000 square feet of open space that should have been provided by now. We're failing these children,

and already there's a deficiency of open space

overall in san francisco. This is a study that showed

that open space totalled only 14% of san francisco. Additionally, in the motion that was created, originally by planning, they did admit that

the shadow cast by the proposed

project has a numerically significant effect. I'm going to contest that I believe that scope was too broad. It'll be too broad, particularly taken into account

that there's going to be a nine

story unit constructed next to

this one that is going to add

to the shadow density shown on that park. The closest school that is

nearby to this park is marshall elementary. Marshall elementary gets out

usually around 2:40, but there

are 120 students there that are

part of their mission graduates program.

Those children gets out around

5:00 or 6:00, right around when

this shadow is going to be cast.

When they looked at the shadow

cast, they looked at it in

terms of solar years.

Children don't live in solar years.

They're significantly reducing the amount of sunshine that they're going to get in the park.

Children like to run and play,

they like to play hide and go

seek, and run and play tag.

They utilize all of the park's surface area. I think the whole park should

be viewed in a holistic context

and' picked apart. The average sunset is around

6:53 so the children getting

out around 6:00 are only going

to have 53 minutes of sun light.

And the most important times in

the report that was recorded for shadow impact were the majority of the times that the

mark would be appeals, these are during school years, school

hours, and that means for 44

minutes, there's going to be a shadow that these kids are

going to have to be cast, in

addition to the shadow that's going to be cast by this nine-story unit that's going to be constructed.

The reason for the appeal on

the demolition permit was

because we're also in a crisis

of P.D.R. Right now that the

permit holder minimalized and I

think did not look at as well as they should.

So historically speaking, the

area south of market were

relegated to industrial uses. These industrial areas of the city have a special value given

that less than 5% of the overall city land remains dedicated to industrial use.

The limited supply of industrially zoned lands which

means P.D.R.S cannot relocate anywhere else in the city.

P.D.R., particularly for these working class low-income neighborhoods are very important because we're having

an excess of commercial, tech, and -- excess of commercial,

tech, and other jobs, but we're

not providing jobs for those

who may not have had the

opportunity of formal educations.

These people rely on P.D.R. --

rely on P.D.R. There's been a huge loss of

P.D.R. In and around this city.

Just this one, there's a 60 to 70% loss of P.D.R. In this area alone.

I know in the report, they had

mentioned a few other P.D.R. Places that would still

qualify, but I looked those up, and two of those had already gone out of business.

There was a study done by the map 2020 business, a coordination of community groups and the planning department.

They looked at dwelling units, loss and commercial

development, including P.D.R. Loss.

The ones that I highlighted in

total were -- if you look here, every other section and

category has seen a net gain.

P.D.R. Has seen a net loss of over 479,000 square feet.

We're losing something that

creates a diversity in this neighborhood.

There was a target for 100,000

to 150,000 square feet of P.D.R., I don't think we're

going to be getting there for a

while with a deficit of over 1,000.

And then, just another guiding principle from the mission area

plan, just to go back to shadows really quick, it says

that their parks and open space

and access to open spaces and

vistas be protected from development. Finally, I would just like to start -- I'm going to quickly

cover and say what's important

here, too, is I think planning

made an error in not doing a

closer review of this property.

It does have a historic and significant value.

It was created by the same

person that provided city hall. He is a famous builder within

the city, and I think that we

want to make sure -- his name

was -- George Wagner, but definitely looking at this space, it should have been checked --

>> Commissioner Honda: excuse me.

Your time is up. You'll have time under rebuttal.

What are you asking for? You've got a huge brief. You're talking about shadow

impact and loss of P.D.R. Space. So if the building's a story

less, what does that -- what

does that -- what shadow impact does that have? >> well, I recommended shadow

impact that was done by the same company. >> what would that be?

>> I think that's a 20-foot reduction. I was also looking over here at the mission area plan puts a heavy emphasis on family housing. This project is --

>> **Commissioner Honda:** that was

the question -- you answered my question. Thank you.

>> yeah.

>> **clerk:** thank you.

We will now hear from Mr. Vitel, attorney for the permit holder. >> good evening, good night. Steven vitel on behalf of the

permit holder.

This project site was rezoned,

the urban mixed use district in 2008 with the brzs. Consistent with that, the

planning commission approved the promg's large project

authorization after two public hearings in 2016. The L.P.A. Authorized

development of a six-story building with 53 dwelling units

and four ground floor P.D.R. Spaces.

17.5% of the units are on-site inclusionary units. The planning commission

determined that the minor new

shadow would not have a significant impact on the franklin square park.

Earlier this year, the planning department issued a finding that there were no ceqa impacts that were not

covered by the neighborhood's eir.

None of those 2016 findings were appealed.

No appeals were filed and those

entitlements were final in 2016. D.B.I. Properly issued a site

permit and a demolition permit

in December 2018 to implement

the 2016 land use approvals.

It asks the board to revisit

the discretionary land use entitlements that were approved

2.5 years ago and never appealed at that time. Appellant in his brief argues that the projects are inconsistent with the objectives of the eastern neighbor's rezoning and the mission area plan.

To the contrary, the project is consistent with those city

policies, conforms to the 68-foot height limit, it

maximizes housing, includes 44%

family sized two and

three-bedroom units, and also incorporates ground floor

P.D.R. Space. It's specifically -- the

project targets this area of

the mission for mixed use housing development.

The appellants also incorrecion in his assertion,

his brief that the missionary

mandates more -- [Inaudible]

>>-a zone for housing, that policy was already implemented

by the zoning when it approved

the U.M.U. Zoning in 2008.

it includes a super

inclusionary requirement, and

that was increased to 17.5% by the prop c trailing legislation

compared to 13.5% citywide.

This project meets that super

inclusionary percentage. In his brief, appellant asks the board to increase the number of inclusionary units in

that project from 17.5% to 19%. The city attorney has previously advised missions like this one that you don't

have the authority to increase or decrease inclusionary requirements on individual

projects on a case-by-case basis. In this case, the planning code is clear that the inclusionary requirement is 17.5%. Project already meets that high

bar, and there's nothing extraordinary about the project that would warrant this board

violating that planning code standard.

I'll return briefly to the P.D.R. Issue. I'll submit that the project is

also consistent with the P.D.R.

Land use. The city implemented that

policy in 200 # by rezoning

portions of the mission to P.D.R. 1 zoning district where housing is prohibited. However, the city chose to

rezone this site in 2008 to the U.M.U. District.

It calls for mixed use residential development and

does not mandate the retention

of existing P.D.R. Buildings or the inclusion of any new P.D.R.

Space in new buildings. Knew

now, in his brief, the appellant asks the project to

be further revised to include

two more P.D.R.S on the ground floor.

Let me now turn to the shadow issue. As you probably know, the

planning code prohibits new

structures that will cast

shadow in any park from one hour after sunrise to one hour

before sunset, unless the planning department determines

that a shadow will be -- will

not adversely affect the park.

This project increases the

shadow impact to 5.86%. The Macmum area covered by the

new shadow would be 0 to 7% of the park.

It would be cast from 5:45 P.M. From June to September in an

area of the park that's

shadowed by trees of the park right now

I do have -- per the overhead,

I can show you the maximum shadow that would occur in -- I

believe in August year-round.

The dark blue is the amount of

new shadow in this location after 5:45 P.M.

It doesn't touch the soccer area, the pick knock area or

the playground -- picnic area or the playground.

Based on this, the new shadow would not have a significant impact on the use of frampg lynn square park. The commission took into consideration the park is among

the sunniest in the city with a total shadow load less than 6 prs prgs.

The areas of the park used by

both adults and children would receive no new shadow.

Given these facts, neither the recreation and park commission nor the planning commission abused their discretion.

I would note that 295 of the

planning code, the shadow ordinance gives the planning code sole discretion to make

these terminations, and those

determinations are not

appealable for these reasons,

we request that the board not

agree with the appellant.

Let me conclude my raising the housing accountability act.

As you know, the California legislature enacted and

recently strengthened the

housing accountability act.

Appellant asks this board to

eliminate several units in the

project by increasing the ground floor P.D.R. Space and by reducing the height of the

project by 22 feet, however, the appellant presents no

evidence that the tiny amount of shadow on the park would cause a significant impact to public health and safety. For these reasons we submit that any reduction in fact number of units in the project

would violate the housing accountability act, and we urge

the board not to do that.

To conclude, neither the

planning commission nor D.B.I. Abused its discretion in approving the land use requirements and shadow determination or by issuing a

conforming site permit and demolition permit.

We request that you deny the appeal and uphold the demolition and site permits.

Let me just also briefly turn to the CEQA issues that the

appellant raised at the hearing today.

Once a proper CEQA

determination is issued which happened in 2016, the time to appeal that determination is after the first

approval.

The first approval was in 2016. The ceqa document was not appealed to the board of supervisors, it was not litigated. Such an appeal of the ceqa document is not before this board in 2018.

I would also note if there is a project on florida street next to this site that does propose a nine story building, it will go through its own ceqa process and section 295 shadow determination and could not be approved if it does cast a significant shadow on franklin square park.

But going backward s, not only is the ceqa issue not before this board, but there's no ceqa issue that's been shown by the appellant.

Thank you.

>> **clerk:** thank you.

We'll now hear from the planning department. >> thank you.

Scott sanchez, planning department.

The subject property is located

within the urban mixed use

zoning district. The project began in 2014 and

in August 2014, a P.P.A. Or preliminary project assessment was filed with the planning department.

The related entitlements and environmental review were

submitted in 2015, and in 2016,

the city first -- the rec-park commission held a shadow hearing on October 21, and prior to that, the planning commission held a hearing on

June 16 and approved the subject project. The environmental review was issued on March 27, 2016.

No appeal was timely filed after the issuance of the planning commission of the large project authorization nor

was there an appeal of the authorization itself that was approved by the planning commission. I believe their hearing date was June 23, 2016 when they

took those actions on the shadow and the large project authorization. Subsequent to that, I believe

they actually did a general

planner for a sidewalk bulb out

which was part of satisfying the conditions of the project so of course after entitlements

are granted, there's a lot of other work that goes in the permitting process as the site

is developed and the project needs to show that it complies

with the conditions of approval.

So through that work, there had been extensive work by the project sponsor to make Arthur

the project is in compliance

with the relevant approvals.

The demolition permit and

zoning permit was approved by this board.

I would note, again, that the rec-park commission and the planning commission did extensively consider that

matter and found that the

amount of additional shadow that was cast on the park would

not create an adverse impact.

And as such, they approved the shadow determination on it and

approved the project itself. So with that, I am available for any questions.

I think the proper process has

been followed here in terms of the project sponsor moving

forward with the application.

You know, certainly, timely appeals on the environmental review or the large project authorization would have brought this matter to light in this concerns at a much earlier time in the process. There's every right to file the appeal and the demolition permit and new construction

permits, but we don't believe that the material that's been presented show that there's

been any issues with the issuance of the subject ct permits. The viability has increased,

first at 16%, and then subject

to grandfathering at 17.5%.

There have been legislation to fine-tune some of those requirements.

Just to show the designation of

units has not occurred.

>> Commissioner Honda: and that does not include all the

additional community benefits that the sponsor makes. >> I can't speak to any other agreements. Thank you.

>> President Fung: scott, the December 7 deadline was

changing the affordability requirements, right? >> right.

In order to qualify for the
grandfathering provision, they
had to complete it by December 7.

This was issued on December 5. There was some recent ordinance
which just became effective on
January 7 which suddenly
changed that language and we will ensure that the project
when it comes to designation --

comes to designation, it is assessed the highest amount under proper law when it comes to the project.

>> **clerk:** thank you. Mr. Duffy? >> joe duffy, D.B.I.

Both the permitted were

approved properly by D.B.I. Thank you.

>> **Commissioner Honda:** thank you.

>> **clerk:** thank you. Okay. And now we're onto public comment.

How many people are here? Okay.

If you can please approach.

You have three minutes.

>> marisa petrucelli, united to save the mission.

It was discovered that in the

historical -- the review of the

historical analysis and whether this building had any value as

a historical resource that

there were omissions that were made.

The survey omitted the fact that this building was

connected to George Wagner, and so subsequent review of this

building omitted this completely.

George Wagner was one of our most famous builders in San Francisco.

We're right now in a building, the most famous building that he built.

And he was prolific, and he

built a lot of buildings, but he was also an architect and

engineer, and as an architect and engineer, he built very few buildings, and there's one

building that we've identified

that's completely intact, and that's 2445 16th Street, and so

we feel that the demolition permit cannot go forward until

this review has been made of this information.

And this information was

completely omitted. Information about him was called out in the SOMA survey,

the SOMA industrial survey and

Page and Turnbull called out a large section about him

specifically because he was so famous for his work, and so important to San Francisco.

He also went on to build the Paramount Theater.

He also went on with a partner

to build stanford university.

He is highly significant as a person of -- that's associated

with the broad patterns of california history and also, you know this building is

associated with the hievs of -- of this person important in our

past, and so we feel like the

demolition permit, this is just just just specific to that, cannot

be issued until this issue has been reviewed sufficiently. Thank you.

>> **clerk:** thank you.

Next speaker, please. >> good evening again, board members.

I do want to stress the importance of show place square historic district. There's only -- there's some amazing buildings left there. I think there should be a lot

more care taken in reserving

the resource -- preserving the

resource that we have this. The building you just saw

really characterizes the type of industrial building that you saw there. This is kind of a new finding.

I think it does warrant some new review.

George wagner had a prolific career. If you see the building that's

proposed now, it's kind of out of place.

It's a manhattanization of 16th street, the most contrary

building you're going to see on

that street. Valuing the historic character of neighborhoods can preserve economic diversity.

I think this neighborhood can benefit from continuing to grow economic diversity.

As things are changing there,

we should grow ethnic diversity.

We're concerned about -- in the

nearby neighborhood, we've

actually had better community

benefits. There's zero community benefits

agreed to here. Nothing really came except for a meeting that was facility

tated a couple of -- facilitated a couple of weeks. I don't think I've heard no

from a sponsor in the entire

time working on the mission neighborhood.

We wanted to make the building appeal to the neighborhood a little better. There are a lot of artists spaces that are in danger in the neighborhood.

We've got to make sure we're

going to build buildings that support that.

if you drive that area at 8:00

in the morning, there are tons of kids walk that.

And at 5:45 in the evening, there are people walking their dogs in that area.

As far as the housing accountability act, that's an

old law that's been dusted off

by market rate developers.

It's been used one time by a

person in sausalito.

It was used recently in dublin

for a 400-unit complex around transit. Like I said, there's -- we wouldn't be here tonight if

we'd had a little bit more of a

community benefits thing worked out. I think this project is going

to have higher impacts than others in the area, so we

encourage you to take a look at this.

>> Commissioner Honda: sir, you

said earlier you were an architect? >> yes.

>> Commissioner Honda: is that P.D.R. Use aj? >>

-- usage?

>> I was trained as an

architect, but I am in metal

and woodworking.

>> clerk: thank you. Next speaker. >> thank you for your time tonight. The reason I wanted to make sure to stay on tonight was

because these folks had notified me I was involved early on in the process with this project. I do think it's significant if in fact what they're saying is

correct, that this is really

the only engineered and designed project impact that we're able to identify by him. That is something, and if that

makes it, you know, a meaningful potential historic

resource at this point, I do

think it should be looked at

before demolition permit is issued.

As you know, developers, we're

looking at these things ourselves. I do think it -- I don't know that means for you in terms of ruling, but it does seem to

make sense to say hey, let's look at this new information

that we just uncovered, that this May be a significant

building historically before a

demo -- making a ruling that demolition can occur.

>> **clerk:** okay. Is there any further public comment?

Okay, seeing none, we'll move

onto rebuttal. Mr. Bicycle

ocanegra, you have six minutes. >> okay. So I just wanted to address a few issues that came up. First of all, when it comes to

the timing of this, I was not in san francisco at the time that this came before the planning commission, so I would

not have made the 30-day deadline of the ceqa deal.

I was not aware of the fresh. I came in June of 2016, fresh to the city, so there was no way I could have known about this project. And then, just going back to

this again, it's not just an error, and an error that we

ve to look at, but we have to look at one of these environmental factors that

ceqa's allowed for this project, stating that new information which was not known and could not have been known at the time the environmental impact report was certified as completely becomes available. We do have new information.

There is a nine story building coming up that is going to be immediately adjacent to this project. The impacts for both buildings need to be looked at.

The project sponsors had this building since 2016.

These permits, I would want to

know why they've taken so long

for him to file them and get them through.

I was looking at a permit,

sitting there waiting for the fees to go filed for three months.

When I found out that, I asked

the project sponsor or owner to sit down for a meeting.

I ask those e-mails starting in May, and I did not get a response until after December, and that was from the

representative right now, steve

vitel. So for eight months, I was trying to bring them to the table to have a discussion. We have to did
velop and maintain a high quality environment now and in the future, take all

action necessary to provide the

people of this state with

enjoyment of aesthetic, natural and environmental qualities. I think it would be necessary

to take this project and look at the accumulative impact that

it's going to have with the

other project coming up. special emphasis should be placed on environmental resources that are rare or unique to that region.

I think both the nature of this

building being P.D.R. And how crucial and how distinctive that is for the mission neighborhood in alignment with parks that in this mission plan

was noted are in scarcity in the mission district should elevate this project and the project going through right now

that's going to be nine stories

is reasonably foreseeable. And the court here stated on the side of the appellant

saying that recently for you should prosecute wrongs that were not

just receiving entitlement but going through the process, as well.

I think we have to ask ourselves an important question. Do we value children and individuals that live here now or are we valuing the input of

an individual or may or may not

want to build here, who put

this property up for sale?

We have to ask ourselves, housing is important, but the housing balance report that came out recently stated that

in terms of housing

affordability, prop k said that

we should be at 32% by 2020. We're nowhere near where we need to be in the mission. This project is

going to bring us further behind. Setting aside those

affordability concerns, holistically, we have to look

at the health and well-being of the entire community. Having a job that's going to

enable you to have a living wage is important, particularly

right now, where even in the

memorandum that they presented stated that these kind of

buildings are going for \$1200 a

square foot at condos, and I -- as condos.

I looked a month ago, the average apartment in the

mission is \$3600. Children need sun light. It's critically important for them to play and to have an open space that they can feel is accessible. This building, paired with the

other building, could have a potential cumulative impact that is going to be significant.

My argument would be this is

already a significant impact because they broad brushed it.

I say look at the times when the children have an opportunity to play there. Now put that in tandem with the

project that's coming through right now, this project needs a second look. When this building is put up, that's it. It's going to be there for decades, so whatever harm is

going to be done is going to be

suffered decades by these

children by these communities.

It's going to be loss of P.D.R.

And loss of open space.

The person that constructed the

building has a huge historical significance to the city. He built the building that

we're in right now.

>> **clerk:** thank you.

Mr. Vitel? >> thank you.

I just wanted to address this

issue of -- of the historic resource issue.

the C.P.E. That was issued in

2016 did look at cultural

resources. There was a thorough historic survey of the northeast mission.

This building was not identified as a historic resource. The fact that a contractor

built that building and also built many other buildings does

not make it a historic resource unless the building is so

associated with that master builder more than any other building would be that it would be considered an historic resource. So the planning department did

a thorough survey several years

ago in the northeast mission, could not identify this building as a resource. For them to come up at a hearing today without presenting this evidence in their brief, without giving the planning department or us an

opportunity to look at it is

not fair, and finally, as I

said earlier, the C.P.E. And

ceqa documentation was completed

completed in 2016.

It was not litigated at that time. It's a final document not

subject to reopening, and if it was subject to reopening, it's

not the board of appeals that

handles ceqa appeals, so I

would urge you to uphold the site permit. Thank you.

>> **clerk:** thank you.

Mr. Sanchez, anything further? Mr. Duffy?

Commissioners, this matter's submitted. >> President Fung: commissioners? >> Commissioner Lazarus:

lateness of the hour, I'll simply say I haven't heard anything that leads me to

believe these permits should be

revoked.

>> **Commissioner Honda:** I also agree. I believe that although the brief was extremely long with a lot of information, I don't

believe there's a basis or

merit to overturn the permits

and that four years worth of process and the shadow process

is extremely extensive here in san francisco, extremely. And so without further adieu,

I'd like to make a motion, deny the appeal on the basis that

the permits were properly issued.

>> **clerk:** okay. We have a motion from commissioner honda to deny the appeals and up hold the permits on the basis they were properly issued.

On that motion -- [Roll Call]

>> **clerk:** okay.

So that motion carries, and the

appeals are denied.

>> **President Fung:** this meeting's adjourned.

THE PERMIT HOLDER DID NOT SUBMIT A BRIEF

PUBLIC COMMENT

From: [Linda Federowicz](#)
To: [BoardofAppeals \(PAB\)](#); [Peskin, Aaron \(BOS\)](#); [Yee, Dennis \(DBI\)](#)
Subject: Appeal Nos. 23-037 472 Union Street
Date: Thursday, September 21, 2023 1:44:00 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

I am a low income senior, a survivor of open heart surgery/ heart valve replacements. A few years after, I experienced a bad fall in which my humerus was broken had a very painful recovery. Right now I am on a very slow gradual recovery from pneumonia and congestive heart failure which I had spent 2 weeks in the ICU at St Francis Hospital.

I have lived on the first floor of 472 Union for 33 years. Several times in the past years, I had to do the all day, laborious taxing chore of cleaning up the mess every time the hot water heater broke in either my apartment or the hot water heater break in the apartment above me, which there is still dry rot. Every time the the owners attempted to repair the dry rot and remove the hot water heater from my apartment, my upstairs petulant neighbor, Marc Bruno has sabotaged the plans. I no longer have the strength or energy to do basic housekeeping. Marc Bruno knows this and why I want/ need the hot water heater removed out of my kitchen, dry rot fixed and other repairs made. So again, Marc Bruno is attempting to throw a wrench in these plans, by wasting everyone's time by issuing this appeal to stop any improvements to my apartment. Marc Bruno is very well aware how fragile my heart is right now and my health limitations, even the thought of this appeal and another delay raises my blood pressure, still Marc Bruno is doing his best to stop any but of advancement.

Marc Bruno lives on the third floor in the back and should have nothing to do with my first floor apartment. Marc Bruno has a long history of harassment, sabotaging any plans, not only of the present owner, past owners of the apartment building where I live, but other landlords and small business owners in the neighborhood. Marc Bruno even makes vicious verbal attacks, harasses and intimidates anyone working on the building, so no one wants to work here. He even told the nice hardworking gentleman that cleans our back porch not to come back. I am told, Marc Bruno has been, doing this for decades.

Marc Bruno has no regard for the safety of the individuals living here. He hangs his soak and wet

laundry from the bannister upstairs, the water drips down the stairs, which make the stairs slippery and dangerous to walk on.....he just recently complained of the dry rot on the stairs which he caused. There was a crazy belligerent couple who lived on the third floor across from Marc, who would have screaming fights at all hours, were hoarders, their filthy apartment was rodent infested, they broke windows, bashed in a door, did allot of damage to the apartment. For 30 years Marc Bruno was fine with them, so I doubt Marc has any interest the safety of the apartment building. Right now I am at a loss by Marc Bruno's constant erratic behavior. He is obviously not a friend and I am learning from multiple individuals about this very devious destructive side of Marc's.

I am hoping somehow this can be remedied, the owner can move forward making the necessary repairs to my apartment and the building where I have been living for 33 years.

Sincerely

Linda Federowicz